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Implementing Urban Design Policy:
An Assessment of Codified and Managerial
Design Intervention Strategies
Under Varying Political Cultures

by

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CHAPTER I

IMPLEMENTING URBAN DESIGN POLICY

Key Assumptions

The main problems with modern urban design stem from four concurrent changes in the urban environment: 1) societal change is accelerating, 2) the United States is already three-quarters urban, and hence existing urban structure will greatly influence future investments in the city, 3) locational and design choices of private developers have and are continuing to evolve in response to changes in economic, legal and technological constraints, and 4) urban design has gradually moved away from an ethic of master planning and toward an ethic of wider participation in design decision making. In all likelihood, urban design in the future will require incremental change strategies, strategies that will increasingly require the cooperation of producers (designers, planners, land owners and developers), facilitators (financiers, government, brokers and design advocates), and consumers (citizens and end users). The interdependencies of these groups will increase as the urban structure becomes further developed.

essence, the diversity is seen as a consequence of strategic elements in effective urban design policies. As local communities seek to assess their physical environments, initiate policies to promote particular design objectives, build the local capacity necessary for long term effectiveness, and carry through with implementation, they do so in response to the local context of design, development and political decision making. Since local contexts vary widely, so do techniques for intervening into the design process. As a consequence, urban design and implementation systems are highly idiosyncratic, with each city creating its own special mix of techniques and strategies. Comparisons between cities is therefore difficult.

Based on case studies conducted in six cities, however, this paper argues that urban design and implementation systems developed by different cities are considerably less varied than first appears, that these differences can be explained in large part by differences in the political culture of design decision making, that selection of intervention techniques are a result of a learning process in which techniques become less functional over time as changes occur in the political culture surrounding design, and that effective urban design implementation systems evolve in predictable ways in response to changes in the political culture of a city. More specifically, the paper argues that

- a city's political culture can be effectively described based on the degree to which city issues are resolved through centralized or decentralized modes of decision making.

in two districts selected from within each city. The study involved approximately 200 interviews and site visits lasting an average of 10 days for each city.

III. The Impact of Political Culture on Urban Design Implementation

This paper seeks to examine the relationship between political culture and urban design implementation. By *political culture* I mean the accepted norms and customary process by which issues are resolved and decision made within the public domain of the city. More specifically, for purposes of this analysis, I will measure *political culture* along a scale of political centralization. I operationalize this through two measures:

- *Legitimacy*: the number of constituent groups who are afforded direct access to public decision making under specific conditions and
- *Power*: the perceived degree to which these constituent groups can effectively block policies, whether or not they have direct access to decision processes.

In examining the six cities utilized in this study, three general types of political culture can be identified. In *elite-centralized* cities, decision making power is highly concentrated, with relatively few active constituency groups seeking to influence design considerations and even fewer wielding enough power to effect change. In *pluralist-collaborative* cities, decision making power is more diffuse, but a workable consensus amongst the most powerful constituency groups exists, with a relatively strong institutionalized process for resolving issues. In *pluralist-contested* cities, decision making power is widely diffused, with many constituency groups wielding sufficient power to block policymaking and none able to consistently advocate their

own interests in the absence of a coalition of support. The six cities in our study are arrayed as follows:

Centralized

	Baltimore
elite-centralized	Atlanta
	Savannah
pluralist-collaborative	Boston
	Seattle
pluralist-contested	San Francisco

Decentralized

Before we can assess what the impact of political culture is on urban design systems, however, we must develop a vocabulary for discussing the wide range of techniques employed within those systems. The next section looks for similarities amongst the myriad techniques employed to influence urban design and suggest that these techniques can be reduced to seven modes of intervention.

IV. Patterns of Urban Design Practice: Seven Modes of Intervention

This research, in conjunction with research conducted by others, suggests that urban design interventions, while wide-ranging in their detailed application, nonetheless have common patterns in their general application. I have identified seven modes of

tion commonly used by these local governments². The study suggests that strategies for influencing urban design are based on one or more of these modes of intervention and that these seven approaches can serve as a general framework for assessing the effectiveness of alternative urban design strategies. The seven types of intervention include:

Sole Development of Projects. Cities influence urban design through projects that are developed within the public domain, with little private participation. Public control over the design of these projects is extensive. Examples include not only traditional examples of civic architecture and parks, but also public infrastructure projects such as transit malls and sidewalk improvements and special function facilities such as stadiums and markets.

Co-Development of Projects. Frequently, cities own property or equity rights in a private development, or directly finance that development. This partnership role, which exists independent of the city's police powers, can provide cities with direct participation in project development and leverage over design issues. Examples include public-private joint ventures, development competitions for parcels owned by government, developments requiring air rights or street closings that are subject to disposition and development agreements, and design controls exercised through the purchase of particular aspects of property rights such as facade easements.

Nondiscretionary Regulations. The exercise of private property rights is subject to government restrictions designed to protect health, safety and public welfare. Cities use regulations to enhance the quality of urban design within a district or a class of buildings. These regulations have clear criteria which are applied uniformly to all development projects affected. Examples include traditional zoning, subdivision controls, building ordinances, mandatory facade improvement programs, and mandatory design criteria linked to district plans.

Discretionary Regulations. Regulations which provide for flexible evaluations of individual projects are also used by cities. These regulations enable design choices to be balanced between varying (and sometimes competing) urban design objectives. Tradeoffs are possible due to the

schema builds on work first developed by Mark Schuster of MIT.

in design and as to the impacts they have on the ways in which developers
designers conceive of their design options. Moreover, at a more general level,
modes of intervention also share similarities. As discussed in the next
these modes of intervention can be further schematized into two broad styles
of intervention. As we shall see later, these similarities between modes of intervention
reflect a systematic link between the style of intervention and the political culture
associated with the city's decision making.

Managerial and Codified Styles of Intervention

A closer examination of the modes of intervention reveals that important similarities
exist between them. These similarities can be classified into two styles of intervention.
These styles are *managerial* and *codified* interventions.

Managerial interventions. Modes of intervention that allow for selective
application of policies and programs to particular projects are called managerial
interventions. These include the following modes of intervention:

- develop solely by a public agent,
- co-develop with private agents,
- regulate using discretionary guidelines,
- provide discretionary incentives and
- inform and guide design choices made by developers and architects.

Of these modes of intervention, the public agent has a wide range of discretion
in the application of particular policies. Because of this discretion, policies can be

Because of this, the application of these modes requires relatively fewer resources and personnel to influence a wider array of projects. Furthermore, by incorporating the goals and mechanisms of implementation into statutory requirements, these policies are more difficult to influence once enacted. In turn, the codes may create conflict by defining the rules of exchange and decision making. As such, they may shift power away from one set of constituent groups and towards another set depending on what the codes are designed to accomplish and how effective they are at accomplishing those goals.

These two styles of intervention, then, describe the relationship between the public agency and the various constituencies (and in particular, private developers and architects) seeking to influence urban design. The two styles differ by the flexibility they allow, their major focus, the active agents, their relation to the design process, the resources required, their susceptibility to influence and their management of conflict. Furthermore, each style defines a coherent urban design and implementation strategy for them.

Linkage Between Political Culture and Styles of Intervention

While no city can be described as engaged purely in one or the other of these styles, it is clear that cities differ greatly in their relative mix. Some cities codify relatively little of their urban design policies, relying instead on an array of flexible policies that can be applied by specific agencies and institutions. At the same time, other cities codify the requirements associated with urban design to a much greater

The linkages are as follows. In *elite-centralized* cities, interventions are flexibly designed and executed. Codes, where they exist, are permissive instead of restrictive. Interventions are managerial. The processes of decision making for these interventions provides for a great deal of latitude, with agency heads usually responsible only to upper-echelon public officials. The partnership between the public agency and the private developer is frequently strong, and is seen as a partnership of peers, with the goals of each agent seen as complimentary to the goals of the other. Negotiations are frequently limited to the public agency and the private developer, with few external constraints as to the process and openness of these negotiations. In many instances, once these negotiations have taken place, the public agent acts as an advocate of the private agent's objectives within city government and in front of other constituency groups.

Pluralist-collaborative cities have the greatest flexibility as to their choice of appropriate urban design and implementation techniques. These cities employ both codified and managerial styles of intervention. They rely heavily on highly institutionalized processes for intervening. As with more centralized cities, collaborative cities create one or more public or quasi-public institutions through which most urban design work is conducted. While organizations established in more centralized cities typically negotiate with one group and then advocate the negotiated agreement, institutions in collaborative cities are more prone to brokering between constituency groups. The resulting programs and projects are more flexible in terms of the interests they serve. The process of decision making itself is rarely open to direct

public scrutiny and accountability. The focus is instead on the quality of the outcomes. Codified interventions are also used with increasing frequency, but these codes are usually specific in their application, with codes developed to manage particular problems in designated districts. Codes developed by the city rarely stipulate blanket prohibitions across wide expanses of design policy.

On the opposite extreme, *pluralist-contested* cities employ highly codified interventions. Codes are restrictive, specifying in considerable detail the criteria for development. While managerial interventions are still employed, the process by which decisions are made is considerably more specified, inclusive of divergent constituencies, and openly accountable to the political decision making process. Both the process and outcomes of technical analysis used to support negotiated positions are subject to review and comment. The partnership between the public agent and the private agent is more tenuous, with the public agent serving much more as a broker or mediator between groups with divergent interests and perspectives.

These differences can be illustrated by comparing the urban design and implementation systems associated with the downtown districts of three cities: Baltimore, Savannah and San Francisco. In *Baltimore*, widespread use of urban renewal powers has given the city latitude to intervene into the design process. To implement its policies, the city created a number of district-based non-profit corporations, of which the Charles Center - Inner Harbor Management Corporation is the best known. These corporations work under contract with the city, have considerable latitude to operate as they see fit, and have a specific mandate to forge

one has move toward centralization (Baltimore). In each city, changes in centralization of political decision making were followed by a transition to intervention styles associated with the newly emergent political culture.

This transition can be illustrated through the experience of Boston. The Boston Redevelopment Agency has a long history of innovation in urban development and design. During the 1960s, the agency worked with a considerable degree of latitude. In the 1970s, however, a number of constituency groups became increasingly vocal. Projects supported by the BRA, such as Park Plaza, became controversial. Citizen advisory boards were increasingly appointed for projects such as Park Plaza, the New England Life Building and the Prudential Center redesign. More recently, the BRA is moving to codify much of the planning and design decision making. A Civic Design Commission is being created. Interim plans for districts were created, with more permanent plans currently under development. These changes reflect a general, although admittedly slow, movement from patterns associated with centralized decision making to those associated with more decentralized decision making.

VII. The Link Between Political Culture and Design Interventions

In this paper, I have argued that a shift in political culture will lead to shifts in the urban design and implementation systems employed by the city. I have further argued that these shifts are related as follows:

Cities	Political Culture	Choice of Intervention Styles	Managerial Techniques Employed	Codified Techniques Employed
Baltimore	elite-centralized	predominantly managerial	advocacy organizations with little public scrutiny	permissive codes broadly applied
Atlanta				
Savannah	pluralist-collaborative	mixed use of managerial and codified	brokering institutions with limited public scrutiny	restrictive codes selectively applied
Boston				
Seattle	pluralist-contested	predominantly codified	mediating institutions linked to open participation processes	restrictive codes broadly applied
San Francisco				

What are the implications that can be drawn from these relationships? Why do these patterns develop? What do they suggest concerning urban design practice. In the final section, we explore some of these implications briefly.

VIII. Implications for Practice

Four implications can be drawn from the discussion presented in this paper. These implications concern the management of conflict, the realignment of goals, empowerment in design, and ease of implementation.

Management of Conflict. The management of conflict differs considerably amongst the modes of intervention. For codified interventions, the primary locus of

conflict is over the creation of the regulations and statutes that govern design. Once established, disputes are managed in reference to established policy since the policy provides only limited flexibility to the administrator. Managerial interventions, however, provide considerably more leeway in interpretation, and hence are more open to alternative perspectives. As political decision making in communities shift from centralized to decentralized, interventions also shift from serving the elite to managing conflict in an increasingly contentious process. When important differences exist within communities, these differences can be accentuated by managerial interventions. Flexibility of intervention is restricted in decentralized cities because each constituency seeks to dominate the process while at the same time demanding accountability concerning actions taken at the behest of other interest groups. Thus, managerial interventions must shift toward providing a more open, clearly defined process of decision making, and conflict must be reduced by increasingly relying on codification of the design process.

Realignment of Goals. At the same time, the systems of intervention developed by cities do not simply realign themselves to cope with conflict. Techniques of intervention partially define the range of goals that are possible and, in turn, changes in these techniques help realign goals. Disparate intervention techniques differ in their ability to influence individual projects. These techniques can alter design by seeking ownership of property rights, altering the objectives of the principal owners, influencing equity and finance partners, modifying legal requirements associated with property rights, transforming perceptions concerning market or technology constraints on

design, institutionalizing support for design or reshaping the political and aesthetic culture of design. In as much as different techniques alter the locus and influence of the public intervention, they also subtly modify the goals that can be achieved. In like manner, as goals shift to accommodate new interests, the modes of intervention must also be altered to prevent a mismatch.

Empowerment in Design. Changes in the modes of intervention are also closely related to redefinitions of power in urban design decision making. When city decision making is highly centralized, managerial systems provide the flexibility essential to work with a powerful partner in the development process. It allows cities to act strategically, while at the same time provides benefits to the private agent that would otherwise not be available. The model, however, fits best when relatively few actors of relatively equal power are involved. As the system becomes more codified, this partnership is increasingly displaced by processes, policies and institutions that are accountable to a wider public. This shift reinforces changes in power which have occurred in the general political culture by providing new groups access to goal setting and decision making.

Ease of Implementation. Finally, the ability of the city to implement urban design policies decreases considerably when a mismatch exists between the city's political culture and its choice of intervention strategies. The problem is in part based on conflict management and in part on scale. The use of highly codified interventions in elite-centralized cities is likely to generate conflict amongst private agents seeking exception to regulations, and to slow the rate of development. On the other hand, the use of highly managerial interventions in pluralist-contested cities opens up each

project to public scrutiny, and tends to slow the decision making process considerably. At the same time, while managerial interventions focus on strategically important individual projects, codified interventions can apply to a wider array of development projects.

CHAPTER II

SAN FRANCISCO: PLURALIST-CONTESTED

I. History of Development in Downtown San Francisco

The topography of San Francisco is highly distinctive. Bounded on three sides by the Pacific Ocean and San Francisco Bay and on the fourth by a mountain mass, the city contains 45 square miles of generally hilly terrain. These hills are predominantly residential. Lightly colored and densely packed,¹ the residential neighborhoods are built on streets that provide exceptional vistas of the city and the ocean or bay beyond.

The central business district occupies the relatively flat plain wedged between the hills and the Bay. Located in the northeast quadrant of the city, the CBD is bounded by residential communities to the west and north, the bay to the east and a redeveloping industrial area to the south. The residential communities -- Telegraph Hill, North Beach, Russian Hill, Nob Hill and Chinatown -- are each distinctive in their identity.

The core of the CBD is Market Street. Appropriately named, Market Street forms the axis along which commercial enterprises serve the needs of residents, industries and institutions alike. Rapidly rebuilt after the earthquake, the district

¹According to Allen Jacobs, in *Making City Planning Work* (p. 23-24), San Francisco is second only to New York City in its population density.

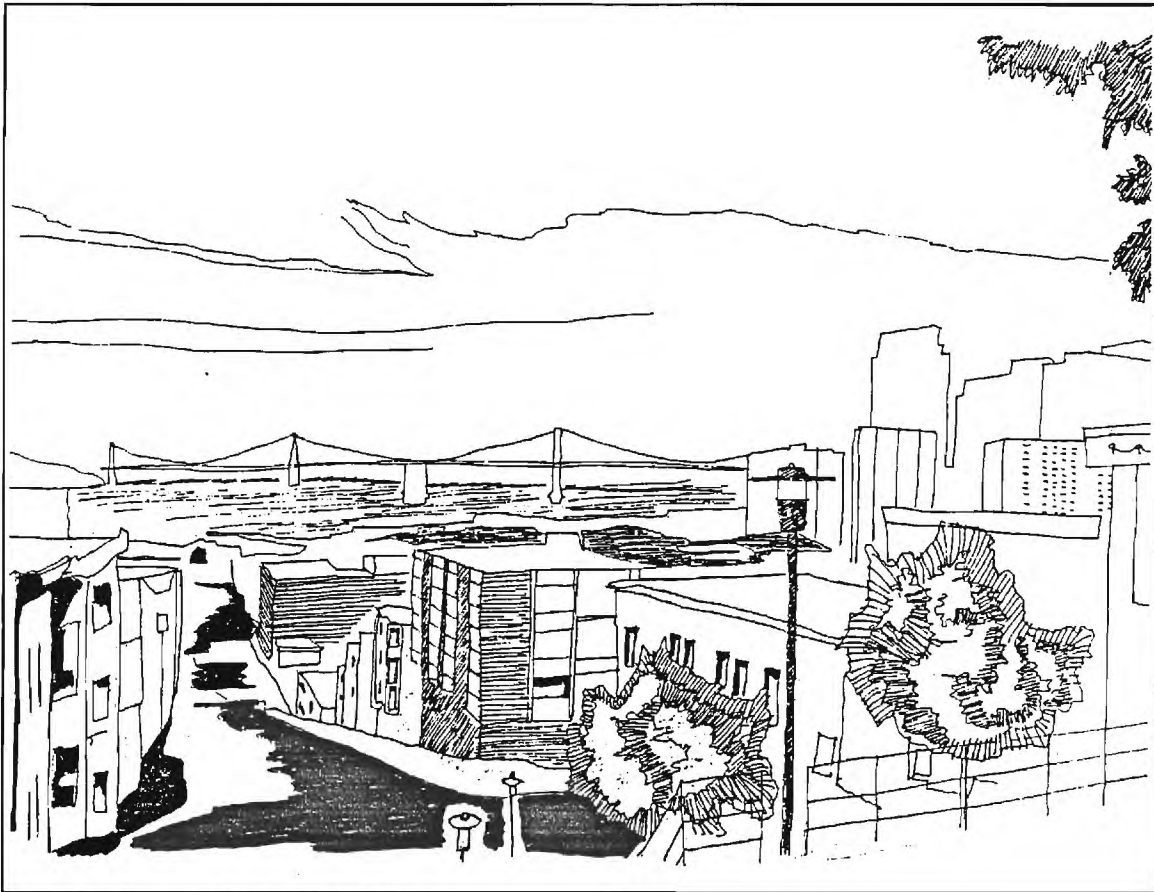


Figure 1. A View of the Bay

exhibited a remarkable architectural cohesiveness rarely achieved in American cities. During the period of growth between 1906 and the Depression, the architectural profession in San Francisco shared a common dedication to the ideals of the City Beautiful Movement. During this period, mid-rise construction dominated commercial and office development. These buildings used steel frame construction with well fenestrated masonry curtain walls. The construction of buildings to the lot line and beltlines at the third story created consistent streetwalls and human-scaled bases to most large buildings. Above the base, the shaft and capital of these buildings were equally well articulated, with many buildings sharing consistent cornices. Ornamenta-

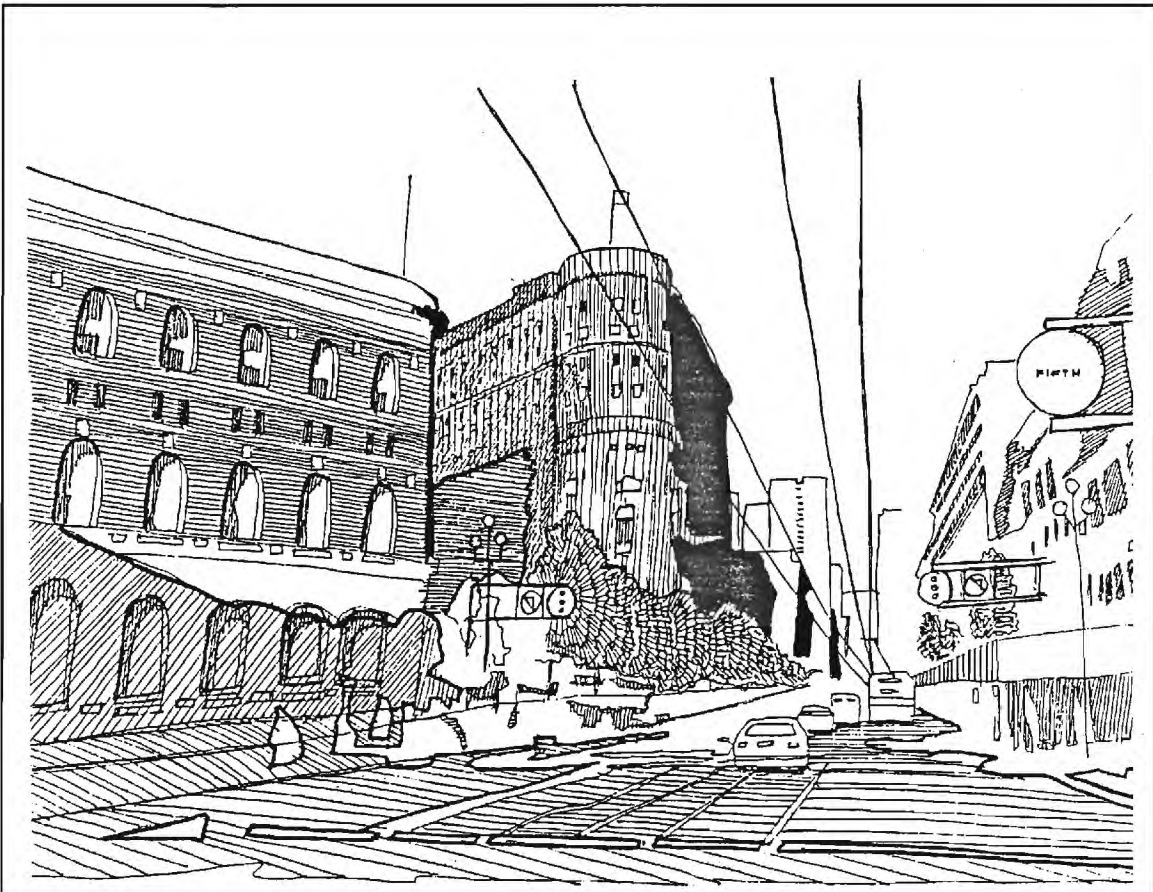


Figure 2. Market Street

tion was used to delineate the three-part vertical composition.² As such, the structures delineated clearly the public realm along streets and in plazas and formed an harmonious backdrop to pedestrian and other public activities.

Rapid downtown real estate development collapsed with the Depression and did not resume until the mid 1960s. Between 1964 and 1969, three major highrise buildings were built in or adjacent to the financial district: the 33 story Hartford Insurance Building, the 43 story Wells Fargo Building and the 54 story Bank of

²Foundation for San Francisco's Architectural Heritage, *Splendid Survivors*, 1979.



Figure 3. The Financial District, New and Old

America headquarters. Starting with these buildings, and continuing unabated into the late 1970s, the office construction boom³ created structures designed in the International Style. These structures created tremendous change in the design characteristics of the downtown, as highly articulated midrise buildings built to lot lines gave way to undifferentiated highrise buildings built in frequently functionless plazas.⁴

³In the 20 years following the early 1960s, the available office space in the downtown district doubled, from 25 million square feet in 1963 to 50 million in 1982.

⁴Richard Hedman with Andrew Jaszewski, *Fundamentals of Urban Design*, (Washington, D.C.: Planners Press, 1984).

Bulk, height, materials and color of new construction contrasted sharply with existing buildings. The integration apparent in the light colored traditional buildings with skylines that accentuated San Francisco's topography was largely effaced during this period.

II. Regulating Development in the CBD

As shown in the accompanying timeline⁵, San Francisco rezoned the downtown in 1968. Until this time, the entire CBD was zoned within a single commercial use district. Zoning enabled developments with Floor Area Ratios of 16:1 or less. No restrictions were placed on height or bulk.

The 1968 rezoning created four zones, with FAR ratios ranging from 14:1 in the office district, to 10:1 in the retail and general use districts and to 7:1 in the support district located south of Market Street. While the districts were designated by use categories, all districts were permissive as to the types of uses that could be included.⁶ The predominant difference between districts therefore stemmed from FAR requirements.

These FAR requirements were accentuated by allowance of density bonuses and transferable development rights in the office district. A qualified developer could

⁵"How Money and Politics Shape San Francisco's Skyline: Feinstein and Co., Powers that Be," *San Francisco Examiner*, June 17, 1986 at A-6.

⁶San Francisco, Cal. Planning Code, Sections 210 - 224.

Timeline

1968

The City adopts new zoning regulations.

August 26, 1971

Planning Commission adopts Urban Design Plan.

November 2, 1971

Alvin Duskin sponsor's initiative to limit heights of buildings to six stories. Proposition T is defeated 61 - 39 percent.

June 6, 1972

Duskin's second initiative, designed to limit office highrises to 12 stories, is defeated by 57 percent of the voters.

1979

Office construction totals 2.2 million square feet, with an additional 4.2 million square feet approved as developers rush to beat a November growth initiative.

November 6, 1979

Proposition O, which would cut building volume downtown by one-third and clamp a 20-story ceiling on new towers in the office district, is defeated by 54.4 percent.

receive a 20% bonus for construction on a corner lot or a series of cumulative amenity-based bonuses for⁷

- *access*: direct tunnels to a Market Street transit station, walkways to a parking structure and multiple building entrances,
- *open space*: wider sidewalks, arcades and plazas,
- *design*: building side setbacks, smaller upper floors and observation decks, and
- *location*: proximity to Market Street transit.

In addition, a developer could transfer up to half of the permitted floor area ratio (exclusive of bonuses) to an adjacent lot.

The FAR requirements established in the 1968 ordinance accentuated development trends in San Francisco. Reductions in allowable FARs in the retail, general

and support districts, when coupled with a relatively unrestricted FAR in the office district, reinforced the value (and cost) of a financial district location. The bonus system allowed for further increases in density in this district. New construction in the

⁷San Francisco, California Planning Code, Section 126.

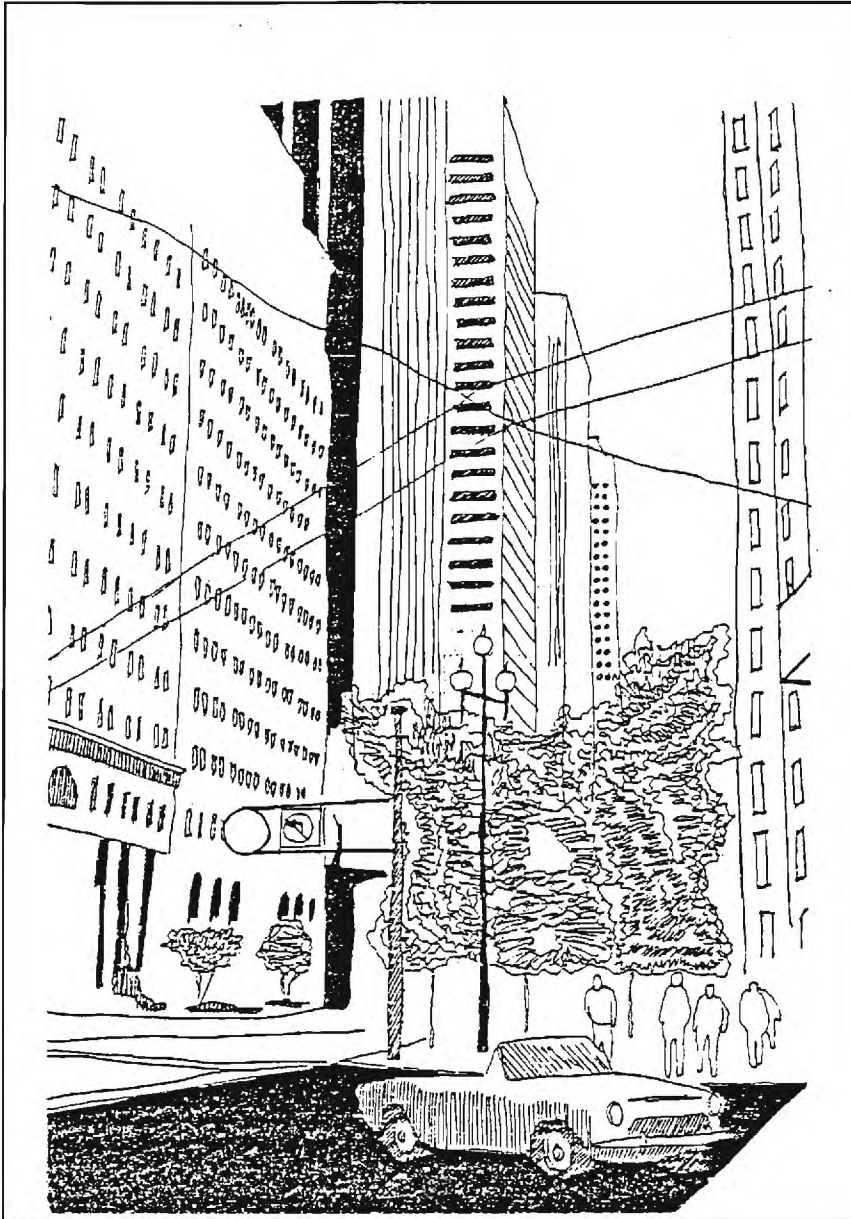


Figure 4. Market Street in the Financial District

financial district continued unabated and at higher densities than had existed before the 1968 ordinance.

While innovative for the time, neither the bonus system nor the TDR system significantly promoted urban design objectives. The bonus system did not establish minimum urban design standards. Existing city aesthetic and

urban design goals, established by the Department of City Planning in their comprehensive 1966 zoning study,⁸ were strictly advisory. The absence of design

⁸San Francisco Department of City Planning, *Downtown Zoning Study*, Working Paper 1, pp. 60-78, 1966.

review led to a proliferation of inappropriate and poorly designed amenities. This is particularly apparent in the design of open space provisions. The construction of randomly located plazas, arcades and wider sidewalks produced a legacy of uninviting public spaces of questionable worth. Many of these spaces actually detract from the continuity and aesthetics of the urban pattern, creating towers cut off from the city by concrete moats.

Transferrable development rights, on the other hand, were so restrictive as to be barely used. TDRs were promoted as a tool for preserving historic structures. By allowing the development potential of the structure to be transferred to an adjacent site, preservation options were made more economically feasible relative to demolition and redevelopment options. However, since only half of the development potential could be transferred, much of the economic potential remained on the original (historic) site. Further, restricting transfers to adjoining sites both reduced the marketability of TDRs and concentrated the environmental and urban design impact of higher density made possible by the transfer onto a single site.

On the other hand, by reducing FARs in the retail, general and support districts, the new zoning did effect relatively greater protection to these areas. As such, distinctions between the districts were reinforced. While the financial district was substantially redeveloped in the International Style, the remaining three districts retained much of their historic character.

III. Community Response to New Development

By the late 1960s, development in downtown San Francisco had significantly altered the skyline of San Francisco as seen from the Bay (both from the east and the north). These views of downtown San Francisco are particularly prominent: the commercial district rises from the shoreline and serves as foreground to the hills of San Francisco. While buildings constructed during the boom years of 1906 to 1929 generally conformed to and reinforced the topography of San Francisco, the boom initiated in the 1960s created taller, bulkier and more monolithic structures which blocked views to and from the hills. In all, 21 high-rise buildings were built in the downtown during this decade. These buildings overshadowed both the terrain and the traditional city, dramatically altering the skyline. Opposition to these developments continued to grow as an urbanscape that had been stable for 40 years gave way to a new order.

In 1970, Alvin Duskin catalyzed this opposition through an initiative campaign to limit new development to six story buildings.⁹ The Duskin Initiative, as it became known, would have required a majority vote of the electorate to proceed construction of any building over 72 feet tall. Full page ads were printed in the San Francisco newspapers. These ads argued that opposition to particular high rise buildings, such

⁹San Francisco allows passage of law through the initiative process. To qualify for the ballot, the petition must be signed by ten percent of the voters who cast votes in the preceding mayoral election.

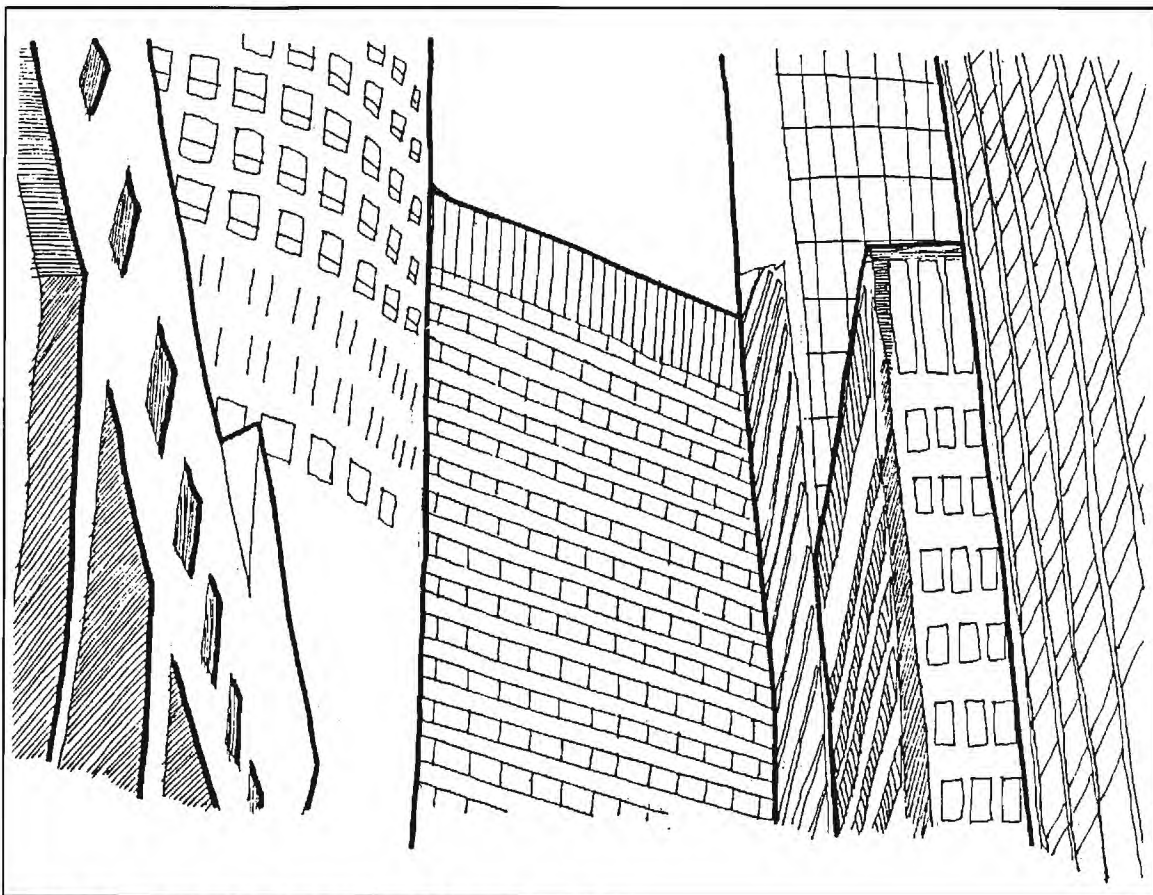


Figure 5. The Re-Creation of San Francisco

as the then controversial U. S. Steel Building, was misplaced.¹⁰ The ads contended that successful opposition to only one of the 23 high rise buildings planned for construction between 1970 and 1975, when coupled with the pro-growth stance of Mayor Alioto and the members of the Planning Commission, would leave the

¹⁰The U.S. Steel Building was particularly controversial because it was to be constructed on waterfront property just south of the Ferry Building. Specifically, the project was to consist of a 550 foot office tower, flanked by a 1,000 room hotel and multi-story passenger ship terminal, all built on a platform constructed in the Bay. The Planning Commission approved the plan (4 to 2) over the objections of the City Planning Director. Director Allan Jacobs recommended an overall 84 foot height, going to 175 feet maximum on 10 percent of the site. "U.S. Steel Wins," *San Francisco Examiner*, Sept. 11, 1970, at 8. The project was eventually stopped.

underlying development trend unaltered. The problem cited was one of "Manhattan-ization" -- the wholesale restructuring of the central business district's physical and economic structure. The ads cited numerous studies in support of their claim that high rise buildings were economically and environmentally costly to the city. The most powerful and prosaic argument, however, was not presented in words. To demonstrate the impact of new development on the skyline, the ads included two photographs of the city's skyline: one taken in the late 1950s and the other taken eleven years later. **YOU CAN HELP DECIDE IF OUR CITY WILL BECOME A SKYLINE OF TOMBSTONES** declared the headline.

The Transamerican Building was particularly controversial. The building, located on the edge of the commercial district and outside the traditional financial district, stands 1,000 feet and 55 stories tall. Located on Montgomery Street between Clay and Washington, the tower is readily seen from many vantage points. Its pyramid shape and 240 foot spire, designed by William Pereira, are particularly striking. Scheduled for completion in spring 1972, Mayor Aliotto endorsed the building at the unveiling before review by the Planning Commission.

The arguments laid out by Duskin laid the foundation for a change in the fight over high rise construction in San Francisco. The initiative was endorsed in early 1971 by San Francisco Tomorrow, a city-wide and broad-based citizens group organized to "salvage" San Francisco's "delicate and unique beauty." On September 27, 1971 the *San Francisco Bay Guardian*, an alternative newspaper with a stated policy for promoting a progressive agenda, published a cost/revenue study of high rise



Figure 6. The Transamerica Building

development. As noted by the editor and publisher of the newspaper:

We've been fighting high rise and high density in San Francisco ever since (our inception), but until the last two issues we've been fighting them exclusively on the architectural and aesthetic and planning grounds enunciated so eloquently by Lewis Mumford. Now, with our own cost/revenue study, we can fight them on the surest political terrain of all: on economics.

After successfully obtaining the necessary signatures, the initiative was placed on the ballot at Proposition T. The measure was strongly opposed not only by City Hall, developers and the construction industry, but also by the Department of City Planning. At the height of the debate over Prop T, the Department had published the

Urban Design Plan for the city. Many opponents of Prop T rallied around the Plan as a more rational and workable approach to growth management.

The issue became highly politicized. In October of 1972, polls showed the initiative to be winning by a 50 to 35 margin.¹¹ Mayor Alioto, running for reelection and campaigning heavily against the measure, nonetheless called Prop T the "single most important proposition" facing San Francisco voters. As part of his campaign, Mayor Alioto claimed that the measure would prevent the city from imposing height limits more stringent than those suggested by the initiative, and that "a 72-foot height limit would do great damage along the waterfront as well as in other areas of town."¹² Two other mayoral candidates, while calling the measure unworkable, strongly endorsed the Urban Design Plan as a basis for regulating high-rise development. The fourth candidate endorsed the measure to create a moratorium period in which a more comprehensive plan could be developed.

By a vote of 86,799 to 142,575, the measure failed in the election. The debate over downtown development, however, had been dramatically changed. Duskin immediately filed an intention to circulate a new initiative measure with the registry of voters. The new initiative would set a height limit of 160 feet in the downtown area and 40 feet throughout the rest of the city.¹³ The initiative qualified for the June ballot. Allan Jacobs, attacking Proposition P as fundamentally in error because it

¹¹"High Rise Hot Vote Issue," *S. F. Examiner*, October 1972 at 1.

¹²*ibid.*

¹³"Duskin Does It Again," *San Francisco Chronicle*, Feb. 24, 1972 at 14.

labelled "all change as bad," called the measure a "naive over-simplification."¹⁴ Jacobs suggested that the principles contained in the Urban Design Plan were considerably better suited to the sensitive management of growth than were uniform limits.

Within this context of political confrontation, the Planning Commission adopted its own height and bulk controls. Effective February 18, 1972, the Commission imposed a 40-foot height limit across 70 percent of the city. In the downtown districts, the height limit started at 84 feet at the Ferry Building, crested at 700 feet in parts of the financial district and ended with an 80-foot limit at the freeway. The limits were specifically designed to step up to the center and down to the edges of the commercial core in an attempt to accentuate the hilly San Franciscan terrain. The controls did not allow for variances.¹⁵

Public hearings for these controls were generally heavily attended, with attendance rising from 200 citizens at the first hearing to 500 citizens at the fourth. In all four of these hearings, citizens consistently attacked the allowance of 80-foot midrise and 160 to 240 foot high-rise buildings in or near residential neighborhoods, but remained largely quiet on the considerably more permissive limits imposed on downtown.

¹⁴"Blistering Attack on Duskin Plan," *San Francisco Chronicle*, May 12, 1972 at 15.

¹⁵"40 Ft. Limit for Most of City," *S. F. Examiner*, Feb. 18, 1972.

IV. Urban Design Plan

Timeline

March 6, 1980

The Planning Commission limits projects to a FAR of 14. Seventeen previously approved projects and the Redevelopment Agency are exempt.

September 19, 1980

Planning Director Rai Okamoto proposes to halve the construction density limits for downtown lots.

September 28, 1980

Planning Commission initiates action to develop an environmental impact report covering cumulative effect of all development in downtown.

December 18, 1980

Mayor Feinstein orders the Planning Commission to discharge Planning Director Rai Okamoto due to a lack of "administrative capacities." One month later, at Feinstein's urging, the Commission names Dean Macris planning director.

March 11, 1981

After firing Ina Dearman and Charles Starbuck, both critics of highrise development, from the Planning Commission, Feinstein replaces them with pro-development appointees.

April 9, 1981

Mayor Feinstein asks the Planning Commission to require housing contributions of developers in exchange for office permit approvals.

June 5, 1981

Supervisors pass transit impact fee that requires major office developments to help finance Municipal Railway expansion.

Approved August 26, 1971, by unanimous vote of the Planning Commission. The nation's first citywide urban design plan. Two measures: adopt the Urban Design Plan and pass a resolution of "intent" to re-zone. This intent has the force of emergency planning law during the entire period of hearing process (18 months to 2 years). Set bulk controls immediately. The Plan was explicitly used to argue against the Deskin initiative.

A month after adoption of the Plan, Holiday Inn proposed a 251-foot hotel

along the otherwise low profile of Van Ness Avenue. The Urban Design Plan called

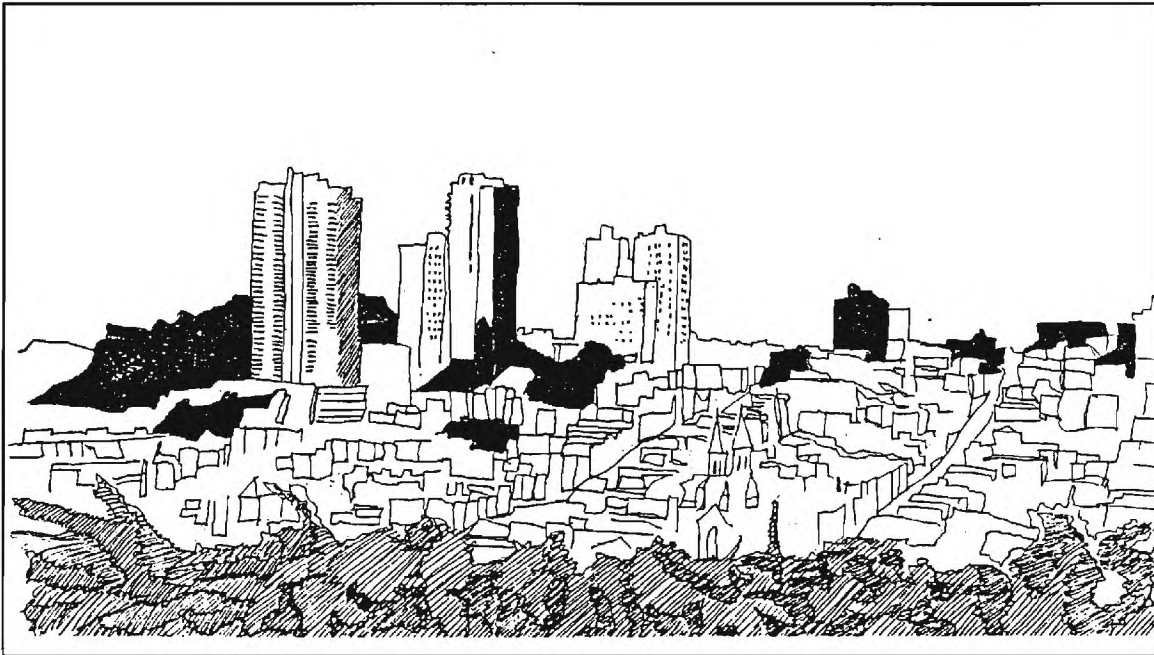


Figure 7. The Hills of San Francisco

for a maximum height of 88 feet, with the potential for 160 feet upon approval by the Commission. In one of the first tests of the Plan, the commission approved the full 25 story building in a vote of 4 to 3. As a consequence, 10 of the 15 citizen members of San Francisco's Urban Design Advisory Committee resigned in protest. San Francisco Tomorrow came out in full support of Proposition T.

V. The Downtown Plan

Timeline

January 6, 1983

Planning Commission approves its fifteenth exemption from the density requirements set by the March 1980 resolution. The project, Philip Johnson's 580 California tower, is approved at 50 percent over the limit.

June 17, 1983

Planning Commission votes 4 to 3 to approve a condominium tower that would block sun from Chinatown's only park: the Chinese Playground. Though never built, the controversy rekindles concern over sunlighting of parks.

November 9, 1983

By a margin of only 50.6 to 49.4 percent, voters reject Proposition M. The measure set priorities for the city's Master Plan, required amendment of the planning code to meet those priorities and dictated impact fees for developments that increase demands for public transit, housing and job training. Opponents specifically argued that the measure was unnecessary because the Downtown Plan being considered by the Planning Commission would curb overdevelopment.

San Francisco's regulations are, on the whole, more stringent than those in any other major city in the United States.¹⁶ These regulations were made even more stringent on November 29, 1984, when the city's Planning Commission adopted a new downtown regulatory system known as the Downtown Plan.¹⁷ Signed into law by Mayor Dianne Feinstein on September 17, 1985, passage of the Downtown Plan culminated a six-year planning effort. The Plan was highlighted nationally, in publications ranging from Time to the New York Times. Robert Campbell, the architectural critic of the Boston Globe, called the plan "the nerveiest, most sweeping master plan ever

¹⁶Dean L. Macris, Director of the City Planning Department: "I don't think there is any question that we have the toughest rules to build of any big city in the United States." Thorpe, *Rents Forcing Firms to Leave San Francisco*, Wall Street Journal, Nov. 8, 1983, p 27 col 3.

¹⁷San Francisco Department of City Planning, *The Downtown Plan: A Proposal for Adopting by the City Planning Commission* (Nov. 29, 1984).

proposed for a major American city." Noting that the Plan was the result of 15 years of citizen activism, Campbell found the "level of public debate here, the ability to articulate issues of architecture and urban design, (to) be the most sophisticated in the world."¹⁸ Most tellingly, Campbell believed that the Plan had become inevitable:

An alternative to planning here has now become unthinkable. To realize that, you have only to look at the San Francisco downtown of today, the depressing result of a long, chaotic series of collisions between the forces of growth and the guerrilla warfare of the anti-highrise movement. In the game of urban design here, there are now too many players, no court and no rules. The plan is bound to be an improvement.¹⁹

A. The Downtown EIR

On March 16, 1984, the Department of City Planning released an environmental impact report of development in the downtown commercial district. The report predicted that under the Downtown Plan, an additional 91,200 workers would be added to the district by the year 2000. While industrial and warehousing jobs would plummet (a 32 percent drop in jobs and 42 percent drop in space utilized), hotel, office and retail jobs would soar. To accommodate this economic growth, 23 million square feet of office space would need to be constructed. At 1.5 million square feet

¹⁸"San Francisco debates sweeping master plan," *Boston Globe*, June 11, 1985 at 29.

¹⁹"San Francisco debates sweeping master plan," *Boston Globe*, June 11, 1985 at 29.

Timeline

January 17, 1984

City supervisors approve a moratorium on downtown building pending passage of the Downtown Plan and supporting legislation.

June 5, 1984

With 61.2 percent of the votes, San Francisco's pass Proposition K, a growth control measure that prohibits new highrise towers from blocking sun from public parks.

September 10, 1985

Supervisors enact the Downtown Plan with a vote of 6 to 5.

November 5, 1985

Voters reject Proposition F, an anti-highrise initiative that would impose a three-year moratorium on major hotel and office projects.

November 1986

Voters adopt Proposition M, a planning and growth control measure designed to amend the Master Plan, to limit office development to 475,000 square feet per year into the foreseeable future, and to promote job training in the city.

per year, the development would equate to 76 new buildings of 300,000 square feet each.²⁰

The consequences of this development were numerous. In an already tight housing market, an additional 30,300 workers would need to be housed in San Francisco. More dramatically, traffic on every form of commuting would jump at least 25 percent, with some suburban transit lines experiencing increases of up to 70 percent. Air and noise pollution would increase dramatically.

B. The Downtown Plan

As noted by Paul Goldberger, architectural critic for the *New York Times*, the

Downtown Plan puts an "unusual amount of power in the hands of the Planning

²⁰"Hellish downtown seen by the year 2000," *San Francisco Examiner*, March 16, 1984 at 1.



Figure 8. Construction in San Francisco

Commission."²¹ Given the politics of San Francisco's highrise approval process, such discretionary power is subject to political pressure. Cases of such pressure are not hard to uncover, particularly under Mayor Feinstein's administration. While the Planning Commission serves at the pleasure of the mayor, most mayors changed membership of the Commission only at the start of their terms. In mid-

term, Feinstein dismissed most of the Landmarks Preservation Advisory Board (June 1980) and anti-highrise Planning Commission members Ina Dearmore and Charles Starbuck (March 1981), replacing them with more pro-development appointees. She

²¹Statement before the American Institute of Architects national convention in San Francisco, as quoted in "Downtown Plan: Who gets to live in The City," *San Francisco Examiner*, June 14, 1985.

fired the planning director and prevailed on the commission to hire Dean Macris as his replacement. She actively orchestrated agreements with developers for particularly controversial projects such as a new football stadium for the Giants and the 190-acre Mission Bay development in China Basin.²² By pressing her generally pro-development agenda to the Planning Commission, Mayor Feinstein helped initiate and sustain the enormous growth in office development (equivalent to 30 Transamerica Pyramids, each with 600,000 square feet, in 5 years).

²²"Feinstein & Co., powers that be," *San Francisco Examiner*, June 17, 1986 at A1 and A6.

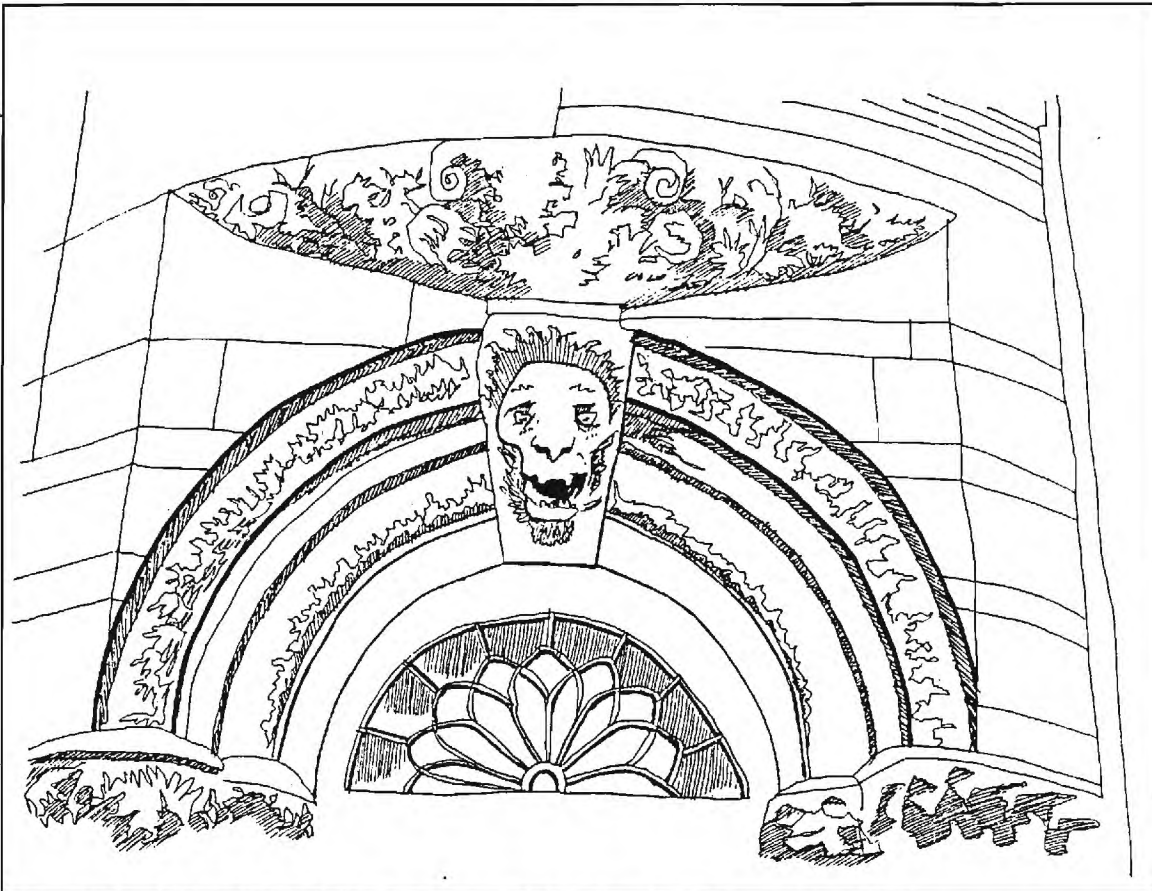


Figure 9. Historic Building Protected Under the Downtown Plan

Within the generally discretionary powers of the previous planning system, this strong relationship between the mayor and the Planning Commission led to a system of informal review, in which many of the unacceptable aspects of developments were resolved before presentation to the commission. The system rarely rejected proposals completely, but frequently led to revisions proposed by the planning staff. Particularly during the transition between the system existing in the late 1970s and that imposed by the Downtown Plan, this review power could have significant effects on building design and construction timing.

This effect was perhaps most strikingly illustrated in the saga of 100 First Plaza, the first highrise to be subjected to the provisions of the Plan.²³ Located south of Market Street, the site was situated in a district that planners had designated to receive Financial District expansion. Despite this advantageous site, however, six distinctively different designs for the site were required between the purchase of four parcels at First and Mission in June of 1983 and construction in 1986. The developer (Michael Barker of Barker Interests) and architects (Skidmore, Owings & Merrill) were required to redesign the building as the city planning staff generated detailed recommendations for the Downtown Plan. Over the course of three years, Barker spent \$2 million in architecture and \$400,000 to produce the environmental impact report (which went through four drafts to reassess the environmental impacts of each new building design.)

The building itself was changed dramatically as the original 550 foot height restriction and 14-to-1 FAR was reduced to 350 feet and 10-to-1 in late 1984. In February 1985, the FAR was again reduced, this time to 9-to-1. Barker's building was allowed to stay at 10-to-1 through purchase of transferred development rights. The cost was \$700,000. Finally, in April of 1985, the project was recommended for approval by the Department of Planning, only to be stopped for an additional half year by a moratorium imposed before final ratification of the Downtown Plan.

²³The account is described in detail by Nancy Isles Nation in "Building under the San Francisco Downtown Plan," *Northern California Real Estate Journal*, December 1986 at 26-27.

By the time the project was fully approved, the city had developed its system of linkage fees. On a 40 million dollar construction project with 400,000 gross square feet of office space, the project was required to provide a total of \$5.2 million in impact fees: \$1.6 million to subsidize the creation of housing, \$2 million to contribute to transit, \$0.8 million for the city's park fund (despite the inclusion of a 17,000 square foot plaza into the project) and \$0.4 million each for publicly accessible art and childcare. While Barker recognized that his building was "the guinea pig" for the Downtown Plan and even supported the intentions of the Downtown Plan, he nonetheless felt that

Given the uncertain political climate in the city about where politicians want to be -- to be a business town or a boutique-y tourist town -- developers such as ourselves will go elsewhere in the future. It makes it not worth the risk of buying land and taking it through the process.²⁴

While much of the redesign work associated with 100 First Plaza came about because of uncertainty during the development of the Downtown Plan, projects that followed enactment of the plan faced a considerably altered process. The building rules imposed by the Downtown Plan set a quota of 2.85 million square feet of office space to be portioned out to competing developers over a three year period. With far more applicants than the quota allows, the commission was required to choose amongst projects. To this end, a standardized application process was developed. The process included a twice yearly competition amongst the proposed buildings. The

²⁴Nancy Isles Nation "Building under the San Francisco Downtown Plan," *Northern California Real Estate Journal*, December 1986 at 27.

competition involved Department of Planning recommendations, an architectural review panel, public hearings and, finally, a decision by the Planning Commission.

During the first competition, considerable controversy arose over the management of the process. Three projects totaling 810,000 square feet were entered. The architectural review panel, consisting of Deans Gerald McCue of Harvard and Richard Bender of U.C., Berkeley and Professor Thomas Vreeland of UCLA, found none of the designs to be "an awful embarrassment," but generally panned all three entries.²⁵ The Department of Planning refused to recommend any of the projects to the Planning Commission on aesthetic grounds. At the same time, they did recommend one project, the Van Ness Gateway, on economic grounds.²⁶ The review panel were generally "troubled by a sense that the architects were being too compliant, too quick to jump to whatever they think will get approved."²⁷ The project that they rated "most competent" was the building that "made only very minor alterations in order to pay lip service to the Downtown Plan."²⁸ The controversy generated by the generally negative reaction of the Review Panel, in combination with

²⁵"San Francisco Office Development Limitation Program: First Review Period," (San Francisco: Evaluation Report of the Department of City Planning, March 20, 1986 at 23a to 34); and "How Design Review Became a Circus," *San Francisco Chronicle*, May 8, 1986.

²⁶This particular building was particularly objectionable to the architectural review panel, which found it so "busy" that "it looks like different buildings on different sides and seems to invite trouble in so many ways." ("How Design Review Became a Circus," *San Francisco Chronicle*, May 8, 1986.)

²⁷"How Design Review Became a Circus," *San Francisco Chronicle*, May 8, 1986.

²⁸*ibid*, 1986.

the high cost associated with the contest,²⁹ led to widespread dissatisfaction amongst planners, developers and architects alike. The local chapter of the American Institute of Architects called on the Commission to eliminate the review panel. Developers who had spent up to three years creating their projects found the uncertainty associated with the selection process to be a form of "chinese water torture."³⁰ Planners had spent an inordinant amount of their own staff time, including three public hearings involving commissioners, to evaluate the projects.

VI. Proposition M

Tenacity frequently has its rewards. Sixteen years after the first Duskin Initiative was launched, San Franciscans passed a powerful planning-based initiative designed to reduce the rate of office construction in the downtown corridor. It was the sixth anti-highrise measure to appear on the San Francisco ballot since 1971. A broad-based coalition of neighborhood, environmental, planning and other groups launched the San Francisco **C**ampaign for **A**ccountable **P**lanning (SF CAP). The CAP Initiative contained three provisions, of which two had potentially strong impacts on urban design in the city. The first established Priority Policies for the city's Master Plan and required that the plan be amended to accommodate those priorities. Through these

²⁹The three entrants estimated that the cost of extra architectural work (such as elaborate tabletop models and poster-sized sketches), lawyers and lobbyists amounted to \$250,000 per entry. ("S.F. Highrise 'Beauty Contest' Turns Ugly," *San Francisco Chronicle*, May 8, 1986.

³⁰"S.F. Highrise 'Beauty Contest' Turns Ugly," *San Francisco Chronicle*, May 8, 1986.

priorities, Proposition M sought to bind the Planning Commission to a number of preservationist policies designed to maintain the city's character and promote affordable housing and a diverse economic base.³¹ The initiative also required that the City hold extensive public hearings on the City's Master Plan and that the City adopt an amended Master Plan by January 1, 1988 based on such public hearings. All zoning ordinances, development agreements and permits authorized after passage of the initiative were to be consistent with the Priority Policies stated in the initiative.

³¹The initiative amended Part II, Chapter II, of the San Francisco Municipal Code by adding section 101.1. The section set eight priorities which were to form the basis for resolving inconsistencies in the Master Plan. Specifically, the *Priority Policies* included:

- that existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;
- that existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;
- that the City's supply of affordable housing be preserved and enhance;
- that commuter traffic not impeded Muni transit service or overburden our streets or neighborhood parking;
- that a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;
- that the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;
- that landmarks and historic buildings be preserved; and,
- that our parks and open space and their access to sunlight and vistas be protected from development.

All zoning ordinances, development agreements and permits authorized after adoption of the amended Master Plan were to be consistent with both the Priority Policies and the Master Plan.³²

The most controversial section of the initiative was found in Part 2. This section of Proposition M extended a provision of the Downtown Plan imposing an annual limit on total square footage of office development. The existing limit of 950,000 square feet of office space per year (equivalent to two 25 story high rise office developments) was scheduled to expire in October 1988. In addition, the provisions of the existing annual cap allowed for exemptions such that millions of square feet over the annual limit had in fact been approved. Proposition M established a firm limit of 950,000 square feet per year. In addition, the initiative required that the annual allocation of office development be halved (to 475,000 square feet) until such time as the total square footage of office space approved or reapproved between November 29, 1984 and November of 1986 is reduced to zero at the rate of 475,000 square feet per year. This provision offset development preceding passage of Prop M with corresponding reductions following passage of Prop M.³³ At a rate of 475,000 square feet per year,

³²As worded, virtually every major project requiring a public hearing or planning permit would have to meet the preservationist test embodied in Proposition M. ("6th Time May be the Charm for S.F. Highrise Initiative," *San Francisco Chronicle*, October 31, 1986 at 8.

³³The Department of City Planning was to develop a list of all office development projects approved by the City, the Redevelopment Agency or the San Francisco Port Commission after November 29, 1984. All projects in excess of 24,999 square feet of additional office space were to be included in the survey. The Planning Commission was to reduce the 950,000 square foot annual limit by 475,000 square feet per approval period until the amount of square footage remaining on the Department's list

the City Zoning Administrator originally estimated that it would require 14 years for the cap to return to the legislated rate of 950,000 square feet.³⁴ As permits for several previously approved buildings were relinquished, the backlog was reduced to 10 years.³⁵

San Francisco, with its long held reputation for extensive planning controls, reinforced its image as the nation's most restricted large city office development market.³⁶ Most of this reputation was based on the annual limits to new office development. Rapid rates of construction during the early 1980s, however, had yielded high vacancy rates downtown.³⁷ When combined with over 6 million square

was equivalent to these reductions.

³⁴Between November 29, 1984 and November 4, 1986, the City, Redevelopment Authority and Port Commission had approved a total of 6.65 million square feet of office space in buildings of 25,000 square feet or more. (Memo to the City Planning Commission from Dean L. Macris, Director of Planning, concerning "Proposed Rules for the 1986-1987 Approval Period of the Office Development Limitation Program, dated February 2, 1987 and modified on February 5.)

³⁵Half of the permits withdrawn were for governmental buildings. A million-square-foot federal building and a quarter-million-square-foot addition to Hastings College of Law accounted for half of the reduction. "Proposition M's 10-year bite," *San Francisco Examiner*, January 5, 1988.

³⁶As noted by Tom Black, director of the Urban Land Institute, at the time "no other city ... even contemplated those kinds of controls." ("Anti-Highrise Law Embraced in Neighborhoods" *San Francisco Chronicle*, November 7, 1987 at A4.)

³⁷In the 10 months preceding the passage of Proposition M, only 100,000 square feet of office space was constructed. By comparison, between 1970 and 1985, approvals and completions had exceeded 2 million square feet in all but three years (1970, 1975 and 1984). Between 1981 and 1985, the city had averaged over 3 million square feet a year. ("6th Time May Be the Charm for S.F. Highrise Initiative," *San Francisco Chronicle*, October 31, 1986 at 8.)

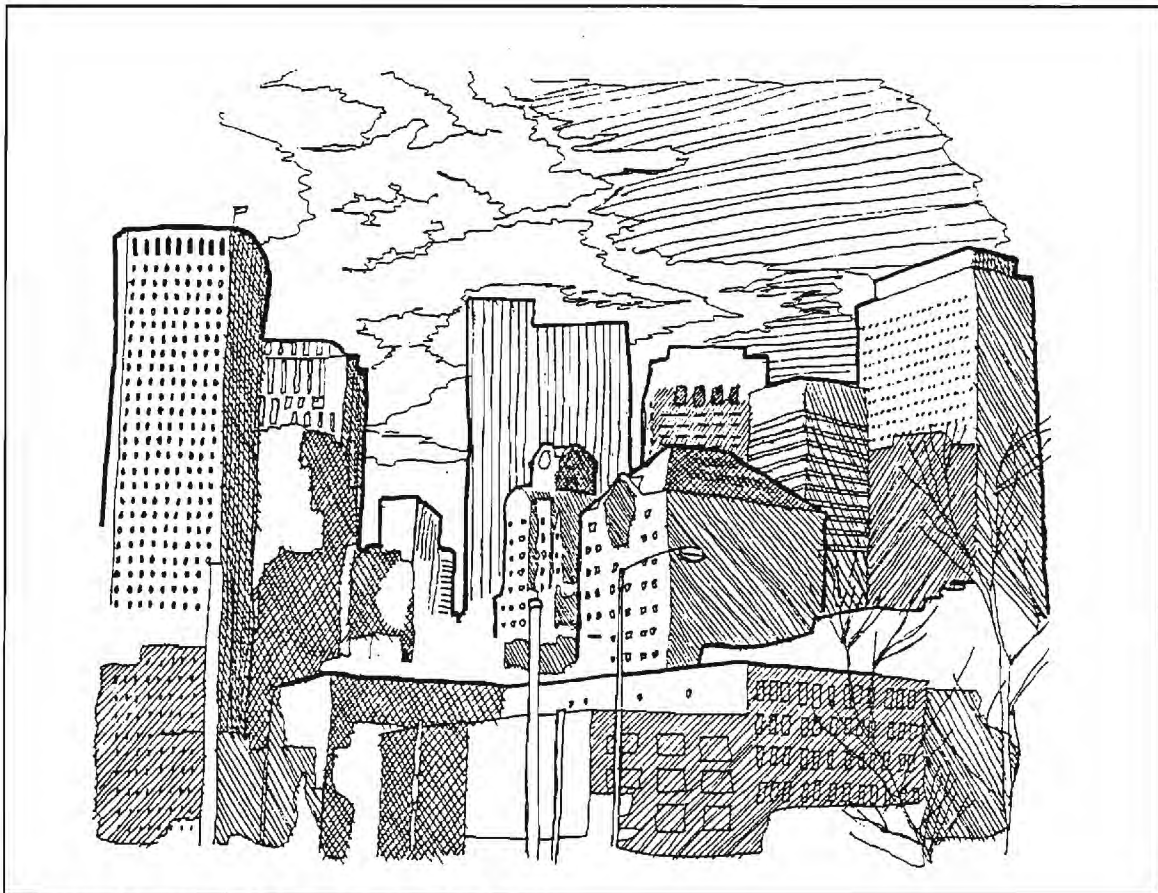


Figure 10. View from South of Market

feet of unfinished office space and a weakening office market³⁸, the immediate effect

³⁸Studies commissioned by the Department of City Planning showed an overall vacancy rate in office space of 19%, with the back office and government office having a vacancy rate of 26% and a general office vacancy rate of 16%. This vacancy rate emerged as developers, responding to a vacancy rate of only 1% in the early 1980s, responded with an extraordinary rate of construction. As these buildings were brought on-line in the mid-1980s, the vacancy rate grew considerably above the 6% considered healthy. (Recht Hausrath & Associates, "Analysis of Downtown San Francisco's Office Market," (Report to the San Francisco Department of City Planning, May 1986 at 20 - 22).)

of the annual caps was limited.^{39,40}

While relatively little national attention had been paid to the impact on neighborhoods of the office construction cap and the master planning sections of the initiative, it was here that the most immediate impacts were felt. Approximately ten percent of the 15,000 building permits issued by the City each year involved Proposition M planning restrictions.⁴¹

³⁹Between 1979 and 1985, the Planning Commission had on average approved almost 14 major office developments per year, with 200,000 square feet per development. During 1986 (with ten months before the passage of Prop M), only 7 projects were approved, with project size averaging 36,000 square feet. In a similar period in 1987, following passage of Prop M, new construction approved totaled 907,000 square feet, with an average project size of 151,000 square feet. ("Anti-Highrise Law Embraced in Neighborhoods," *San Francisco Chronicle*, November 7, 1987 at A4.)

⁴⁰A study by David Birch of the Massachusetts Institute of Technology Center for Real Estate Development, projected a substantial drop in new construction needs based on projected job growth. Birch noted that growth of the nation's work force will slow from 2.6 percent a year to 1.7 percent as a result of demographic changes. While 6.24 million square feet had been annually added to the Bay Area in the decade preceding 1985, only 38 percent of that rate was needed over the next decade. Applied to the San Francisco downtown market, this would suggest the previous decade's rate of 2.5 million square feet per year would drop to 960,000 per year over the next decade. In addition, Birch projected that much of this growth would accommodate smaller companies as the downtown business district shifts from being a corporate headquarter mecca to an entrepreneurial center. ("Bay Area needs to tailor space, MIT study says," *San Francisco Examiner*, November 13, 1986 at C-1.)

⁴¹As noted by Robert Passmore, the city's zoning administrator: "The average citizen doesn't really feel the effect of Proposition M on office buildings, but it has made a lot of people aware of the city's master plan policies and how to appeal something they don't like near their house." In the year following its passage, Proposition M had little impact on downtown office construction. During the same period, city planners were "swamped with hundreds of hearing requests to protest demolition of homes in the Richmond and Sunset districts, construction of large-scale apartment projects in Potrero Hill, the destruction of historic buildings on Green Street and building plans that worsen parking or traffic problems in their area." ("Anti-Highrise Law Embraced in Neighborhoods," *San Francisco Chronicle*, November 7,

A. Implementation of Proposition M Office Development Caps

Because of the wording of Proposition M, the Planning Commission had the equivalent of two years of square footage that could be allocated during the first year. Projects totaling 2.4 million square feet were in position to request consideration.⁴² Thus, the Planning Commission needed to establish criteria for selecting buildings.

The process adopted created a schedule for consideration. Applications were to be completed by mid-February. Design review was to be conducted by the architectural panel in mid-March, with final building design due one month later. In addition, an environmental evaluation was also to be completed by mid-March.

Based on this information, the planning staff was to identify projects that met minimum standards. To meet these standards, the project must:

- further many objectives and policies of the Master Plan and have no significant conflicts with any objective or policy;
- create an overall positive architectural design effect for the building, making a positive contribution to the visual quality of the city and responding well to site constraints, while generating open space that is accessible, spatially exciting, comfortable and provides for a variety of experiences and (if the project includes public art) art that works well with its surroundings;
- be well suited to its location, as to the appropriateness of the area for office development, the accessibility of the site to local and regional transit, the accessibility of open space to serve building occupants, the urban design fit of the development to its surroundings and the seismic safety of the location, while at the same time only minimally creating negative impacts on the

1987 at A4.)

⁴²Memo to the City Planning Commission from Dean L. Macris, Director of Planning, concerning "Proposed Rules for the 1986-1987 Approval Period of the Office Development Limitation Program, dated February 2, 1987 and modified on February 5.

surrounding area through obstructing views, creating shadows or wind, displacing housing or small businesses, destroying architectural or historic resources, or impeding transit, traffic, freight or pedestrian movement; and

- be consistent with Section 101 (Proposition M) priority policies.⁴³

In choosing from among projects that qualify for consideration under the minimum standards, the Planning Commission was to make selection based on:

- a project's superiority to other projects based on the above stated minimum criteria;
- a project's superiority to other projects in providing employment opportunities, meeting the needs of existing businesses, creating space for which suitable alternatives are not readily available, or providing a single entity with space to expand or consolidate; or
- a project's use of TDRs.

The criteria were not given any particular weight, with commissioners free to attach their own importance to them.⁴⁴

⁴³Memo to the City Planning Commission from Dean L. Macris, Director of Planning, concerning "Proposed Rules for the 1986-1987 Approval Period of the Office Development Limitation Program, dated February 2, 1987 and modified on February 5 at 5 - 11.

⁴⁴Memo to the City Planning Commission from Dean L. Macris, Director of Planning, concerning "Proposed Rules for the 1986-1987 Approval Period of the Office Development Limitation Program, dated February 2, 1987 and modified on February 5, at 5.

CHAPTER III

SEATTLE: PLURALIST-CONTESTED

I. Introduction

In the years immediately following World War II, a burgeoning population, annexation, and increasing decentralization provided strong incentives for Seattle to develop a master plan that would assist both in predicting and guiding future growth. The Planning Commission's budget was enlarged and, in 1948, the Commission was directed to prepare a master plan and zoning code revision.

The plan addressed three basic elements: thoroughfares, land use and neighborhood/community framework. Zoning and expressway construction were the major tools envisioned for implementing the Comprehensive Plan.¹

Under the new ordinance, areas were divided into zones governed by a uniform set of regulations controlling height, bulk, and lot coverage. Areas received specific zoning designations based on the type of development to be encouraged under the comprehensive plan. The major downtown zones, Metropolitan Business (BM) and

¹ James A. Barnes, "Comprehensive Planning in Seattle, 1911-1954" (Seattle, 1954), p. 10.

Metropolitan Commercial (CM), were intended to encourage concentrated office and retail development of a regional nature in the downtown area. Within these zones, allowable uses were specified and building size was governed by a floor area ratio (FAR). The BM zone had a FAR of 12:1. Buildings could assume any configuration within this basic constraint; less lot coverage would allow greater building height under the assumption that minimum standards for light and air would be satisfied with taller buildings if more area were left open at street level.²

The new zoning regulations guided the first wave of building construction since the Depression. In surface treatment, new curtain wall buildings of steel and glass such as the Norton Building (1959), Logan Building (1958), Washington Building (1960), and Municipal Library (1960) contrasted sharply with the downtown's older buildings. In site layout, however, these structures were mostly of a relatively modest scale, occupying sites similar in size to those of earlier development. While taller and strikingly different in appearance, they extended all the way to adjoining lot lines and maintained the continuity of the blockfront. These structures represented a transition heralding the giant, skyscraper projects occupying full blocks that followed in the next decade.³

² Seattle Office of Policy and Evaluation, Land Use Section, *Evolution of Seattle's Downtown*, (Seattle: Downtown Land Use and Transportation Project, December 1980 at 49).

³ *ibid.*

In 1958, members of the City Council and officers of the Central Association of Seattle, an organization of major downtown business interests, agreed to jointly prepare a more detailed comprehensive plan for downtown. The plan was to

provide a workable guide for future public projects to assure that public funds available are most wisely spent; and a plan for private development which will stimulate even greater investment by private enterprise in Seattle's Central Area.⁴

The plan was to define the role of the downtown as the "heart" of the metropolitan region, emphasizing its business function and its strategic concentration of power, leadership, financial resources, commercial transactions, and corporate headquarters.

Goals set forth for the plan included:

- *compactness* to facilitate the efficient exchange of information, merchandise, and services by creating short walking distances and eliminating areas of inactivity that would otherwise disrupt the continuity of an area;
- *improved accessibility* through development of a radial system of expressways converging on the downtown, tied together by a circumferential route around the central business district and linked to strategically placed parking facilities, and through development of a rapid transit and local transit network linked by means of consolidated transportation terminals;
- *environmental enhancement* by means of plazas, small parks, apartment development, landscaping and upgrading of the central waterfront area for expanded maritime commerce, recreational use, and tourist activity;
- *architectural enhancement* by means of planning regulations used to encourage homogeneity of architecture and design within the Central Area, with projects lending distinctive qualities to the downtown scene also to be encouraged; and

⁴ City of Seattle, Planning the Future of Seattle's Central Area, *Criteria for the Development of a Comprehensive Plan*, a joint policy statement, City of Seattle, Central Association of Seattle, 1959.

- *redevelopment* of commercial areas defined as old and blighted on the edges of the downtown core so that property could realize its "highest and best use."⁵

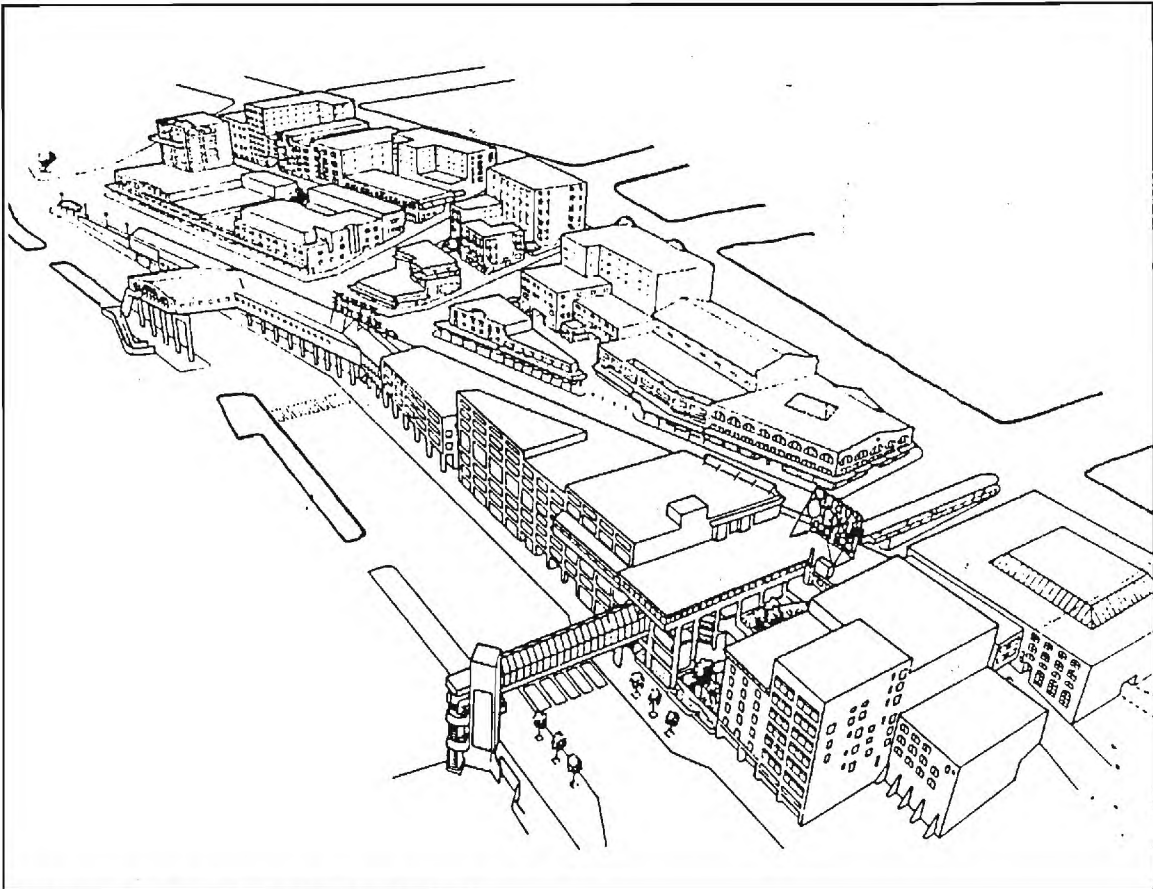


Figure 1. The Pike Place District

The properties included much of the central waterfront which was to be made more accessible to the Central Business District and developed with tourist and residential park and recreation facilities.

⁵ City of Seattle, *Planning the Future of Seattle's Central Area, Criteria for the Development of a Comprehensive Plan*, a joint policy statement, City of Seattle, Central Association of Seattle, 1959, p. 1-15.

II. The Monson Plan

The Central Association and City Council hired a New York consultant, Donald Monson, to prepare the plan. The plan was submitted to the city in 1963.⁶

The plan imposed order on downtown Seattle based on principles of spatial organization and circulation typically associated with suburban retail developments. The suburban model stressed quick and easy access. A pedestrian mall bordered with stores is typically surrounded by parking lots and encircled by a ring road providing direct access to expressways. In the downtown context, the area encircled by expressways would develop as a complex of glass and steel towers housing major office and retail uses. The plan was to be implemented through massive public investments and through zoning.⁷

As set out in the plan, the city would invest heavily in transportation improvements. Expressways, subways, bus transitways and pedestrian escalators were all envisioned as an integrated system. In addition, wider sidewalks, arcades and plazas were to be linked to facilitate pedestrian movement.

Equally ambitious, the city was to encourage extensive redevelopment. The redevelopment, subsidized through urban renewal money. In particular, the waterfront and adjoining retail districts were to be transformed. On the waterfront, a 19 acre

⁶ Donald Monson, *Comprehensive Plan for the Central Business District of Seattle*, Technical Report, prepared for the City of Seattle and the Central Association of Seattle under the direction of Donald Monson, February, 1963, p. 17.

⁷ A. Phillip Andrus, et al., *Seattle* (Cambridge, Massachusetts: Ballinger Publishing Company, 1976), p. 58.

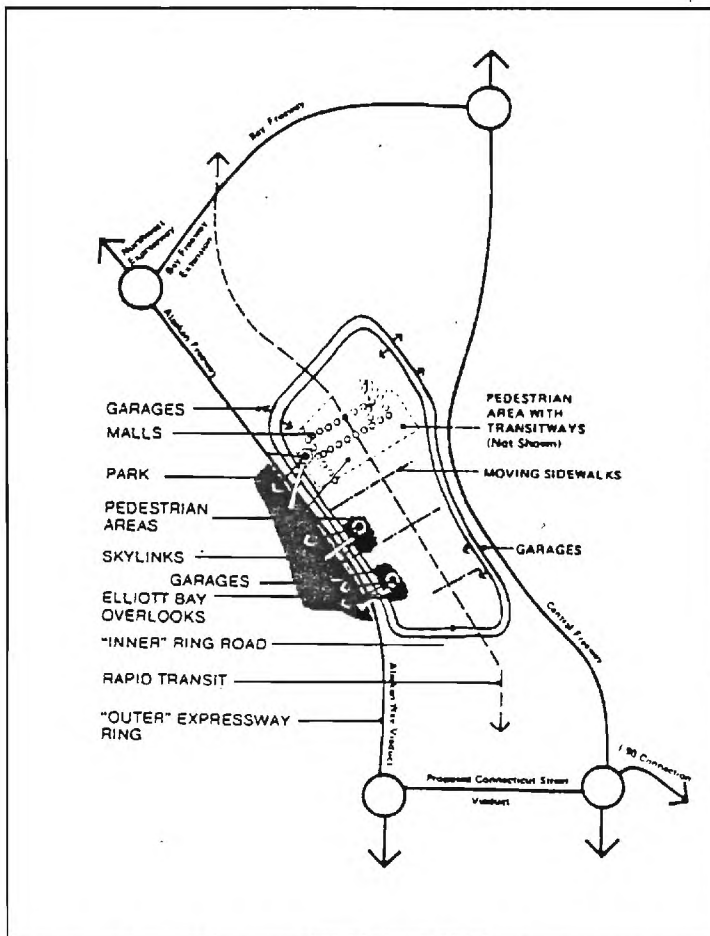


Figure 2. Monson's Proposed Transportation System

redevelopment effort was to convert the area into a major tourist attraction. Uses were to include a floating breakwater and small boat marina, motels, restaurants, shops, a new steamship terminal for the Canadian Pacific Railway, an expanded commuter terminal for Washington State ferries, a heliport, and an aquarium. These uses were to be linked together by a pedestrian promenade, with a moving sidewalk located along an elevated over-

pass to provide access to the Pike Place Market area above.

Further inland, the city was to redevelop its retail core. The Monson plan envisioned pedestrian malls along both Pike and Pine Street, linking the city's two primary retail nuclei. The malls would link the Westlake Mall with a park proposed for the site of the Pike Place Market. The plan suggested transforming the streets into a series of inter-related plazas, each with distinctive landscaping and architectural detailing.

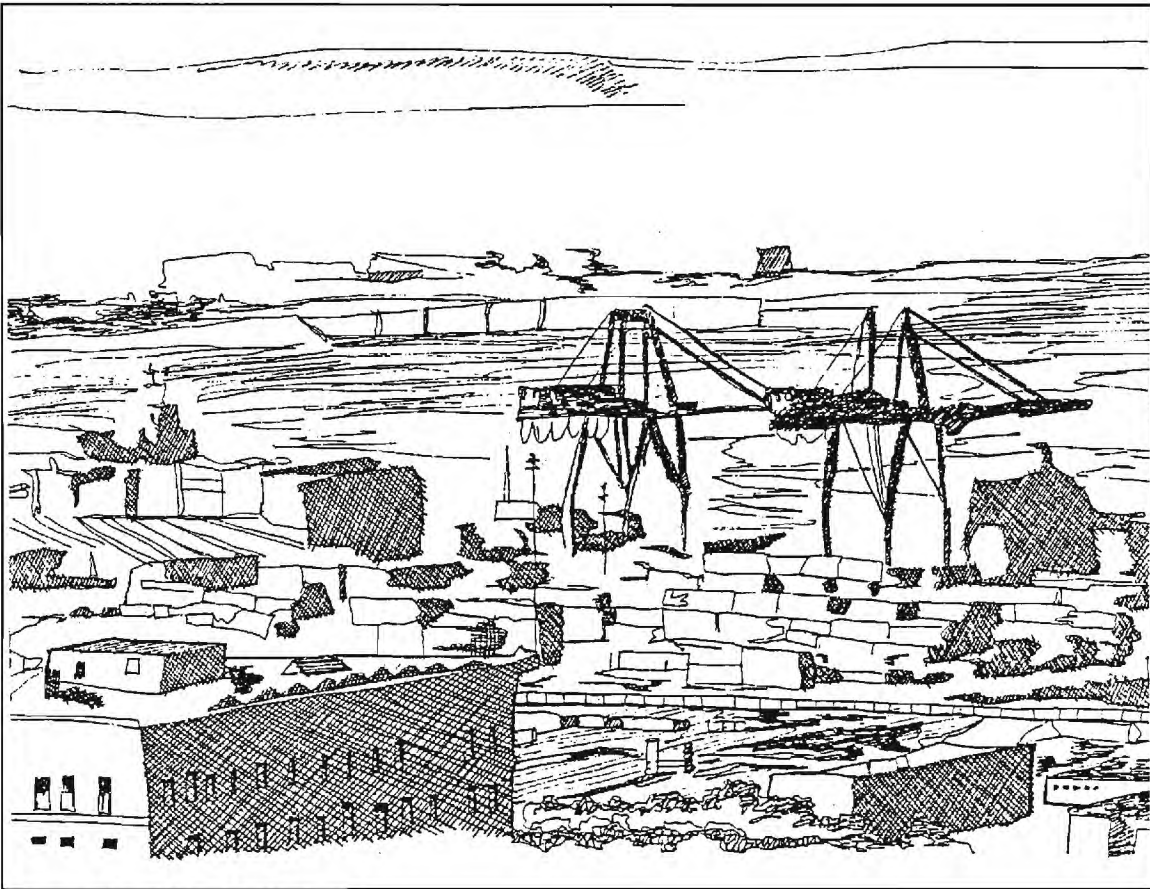


Figure 3. The Waterfront

Between the water front redevelopment and the retail core stood two districts scheduled for massive redevelopment. The plan presented a renewal program to clear and redevelop the blighted Skid Road Area, including Pioneer Square. Restoration of historic sites in Pioneer Square was considered and rejected. The plan would level sixteen blocks and recombine them into superblocks for major highrise office towers and parking structures.

The proposal for the Pike Place Market district was even more massive. In size, it was second only to the 1962 redevelopment site of the Seattle Worlds Fair. The plan called for razing everything between First and Western Avenues from Union

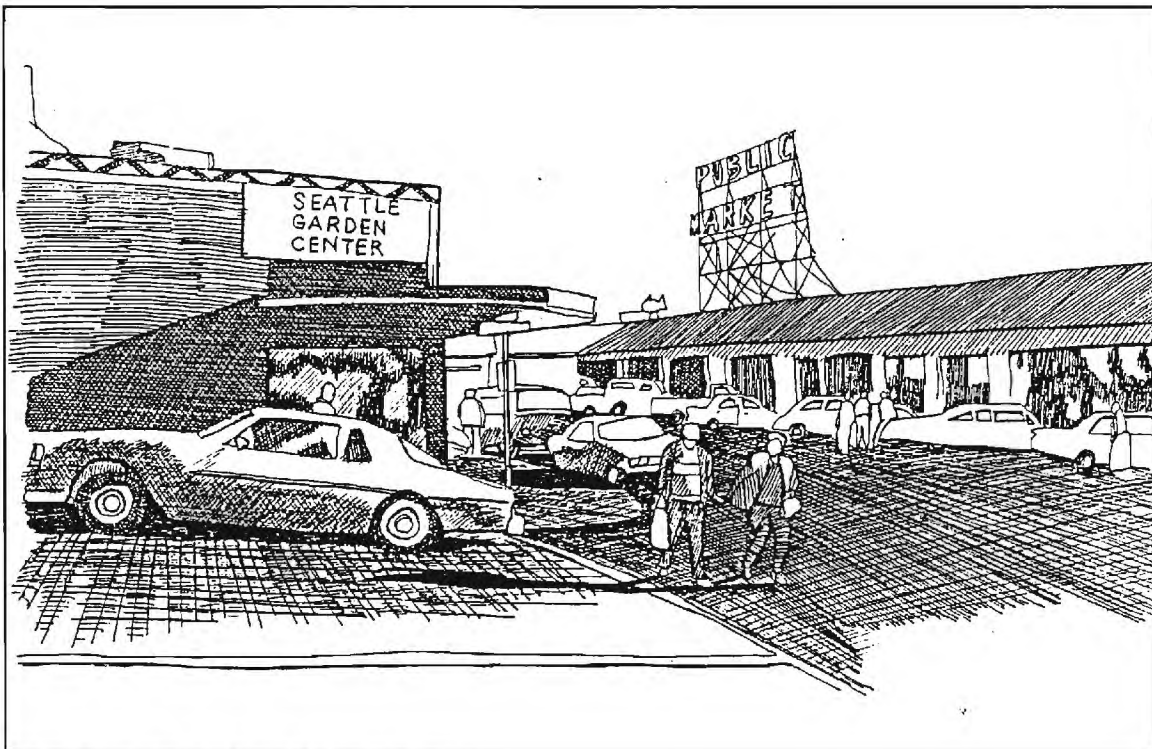


Figure 4. The Pike Place Market

to Lenora. A seven-level, 3,000 car underground garage was to be located on the site of the market. The garage was to be directly linked to an inner ring road. Because the site straddled a bluff, the garage would require little excavation yet still not rise above ground level at the bluff's top. A two block landscaped plaza would cover the parking facility and provide Seattle with its first major downtown park. The Pike Place Market would be rebuilt in the same location as part of the plaza development. The design also called for a 1,000 unit apartment development, a major hotel, and offices at the southern end of the plaza. Guidelines were recommended to protect public accessibility to the plaza and to enhance views of the Puget Sound and Olympic Mountains.

In the words of Central Association president Ben Ehrlichman, the project would create "ideal view sites for high-rise apartments, ... a magnificent site for a new hotel, ... (and) a critically needed downtown park within which the Pike Place Market can be rebuilt. The redevelopment would, according to Ehrlichman, enable the Market to "truly become a Market Place and a visitor and tourist attraction quite equal to the Los Angeles Farmer's Market."⁸

It is to this proposal for Pike Place Market and the controversy it entailed that we now turn our attention.

III. Pike Plaza

The Monson proposal for redevelopment was not unique. The spectacular views overlooking the Sound and its strategic location in the center of the downtown district had invited previous proposals. In a ten-part series on Seattle's traffic problems published in 1950, Harlan Edwards suggested that the market and all buildings covering six city blocks be demolished and a seven-story, 2,000 car parking garage be constructed in its stead. Edwards, a civil engineer and member of the planning commission, believed the garage could alleviate the city's parking problem, increase automobile access to the city and provide a site for a department store, a luxury restaurant and specialty shops.

Acknowledging the function of the market, Edwards also proposed that the garage provide a place for public market stalls, with a central pickup area to enable

⁸ Joyce Skaggs Brewster, "Market Wars" *The Weekly* September 21-29, 1981.

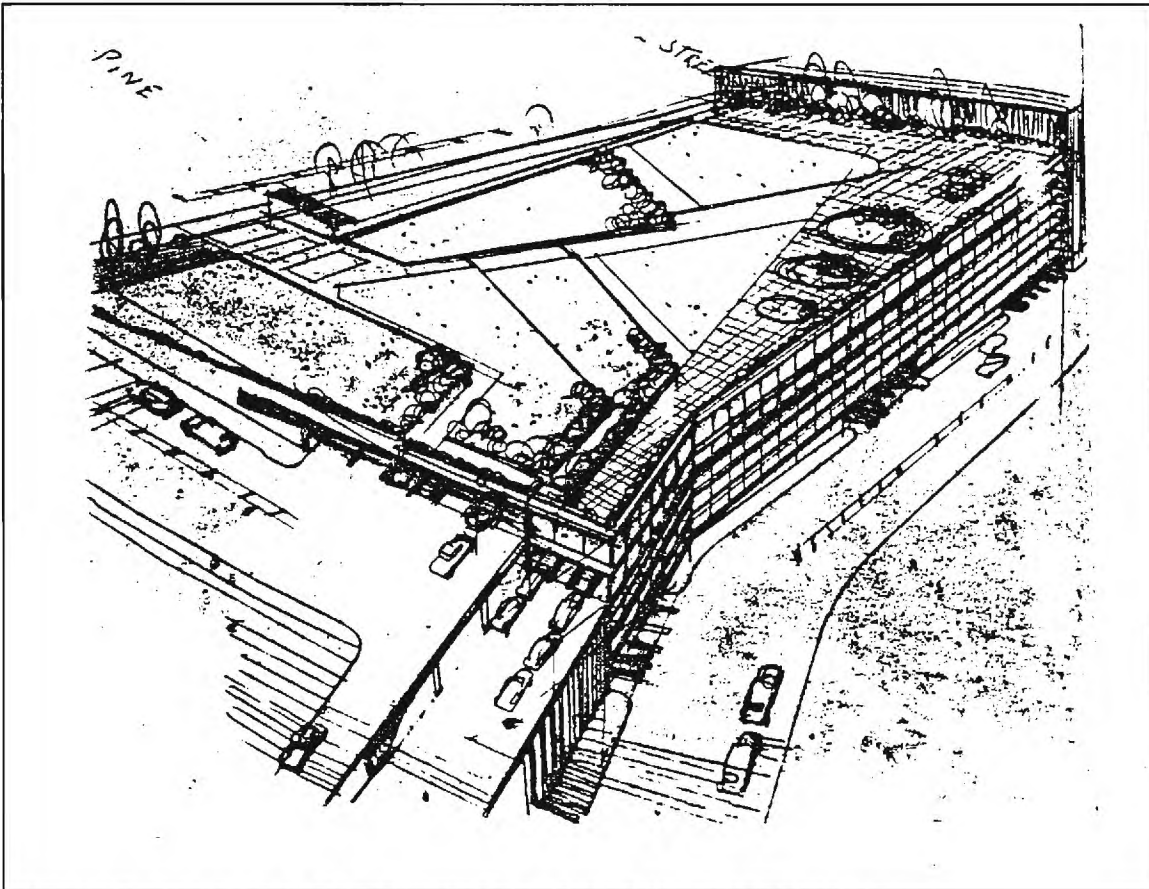


Figure 5. Edwards' 1950 Proposal for the Pike Place Market

customers to receive purchased goods. Further, the rooftop of the garage was to be landscaped, creating a large city park level with First Avenue.

Developer interest in the site was fueled by more than just site amenities. Property values throughout the area were depressed. The area housed and provided commercial services to predominantly low-income and elderly residents. Buildings were deteriorating through poor maintenance. Densities in the area were low. In short, the district was economically ripe for redevelopment.

The district, however, had one unique feature of overriding importance: it housed the Municipal Market. Constructed in 1907 by the City of Seattle, the market

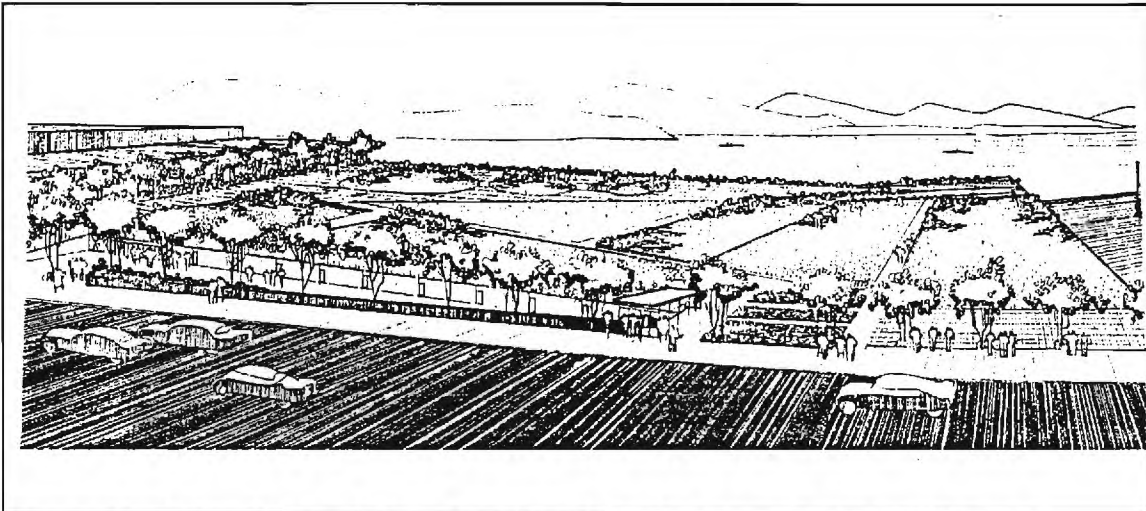


Figure 6. A Landscaped Plaza Designed for the Top of Edwards' Garage

provided a retail outlet for farmers. The market was remarkably successful and soon led to the construction of public stalls extending to the north. A few years later, the Corner Market and Sanitary Markets were added to the east. These markets served as the focal point for the retail sale of local farm goods to residents of the city.

The market remained extremely popular until the end of the Depression. Between 1939 and 1949, however, the market declined precipitously. From a base of 515 stalls rented daily in 1939, only 10% remained rented a decade later. The drop was caused by three basic problems. Almost half of the farmers who sold in the market were Japanese. Their internment during World War II removed many of them from farming. At the same time, the military demand for farm goods during the war led to concentration of farmland into the hands of fewer farmers who sold specialty crops directly to the government. Finally, suburban development and the advent of supermarkets reduced consumer demand for market produce.

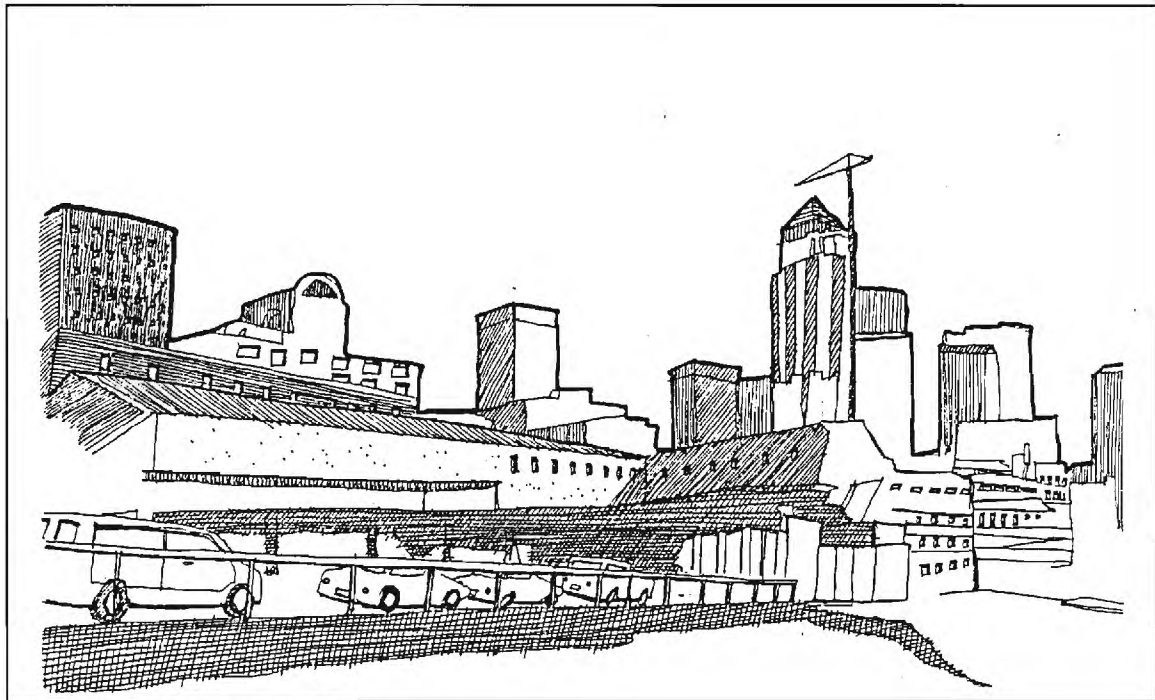


Figure 8. Market Environs

With support of the Central Association, the process of urban renewal was initiated. A city council appointed citizen committee, Seattle Urban Renewal Enterprise (SURE), was created to provide advice. Most members had backgrounds in real estate development. Together with the Seattle Real Estate Board and the Central Association, SURE was appointed to review problems of urban blight and propose an initial urban renewal project.

In August 1964 these groups produced a report and drawings for the Pike Plaza Redevelopment Project. The report proposed to demolish everything within its boundaries. A new market would be built atop a 3,000 car "terraced" parking garage. A major hotel, a 200-room motel, a 1500-person apartment complex, a park, and office buildings would also be constructed. By replacing the blighted area with modern

amenities, the group hoped to lure suburbanites back into the city and increase taxes "a thousand percent."



Figure 9. Hanging Out at the Market

Not all, of course, agreed with their vision. To the residents of the area, the Market served as a focal point of social life. In a sea of honky-tonk growing up around the market, the market provided a leisurely and safe respite.

Many, but not all, of the merchants also united in opposition. The Pike Place Farmers' Market Association had organized in July of 1956 to reverse the market's decay. Promotional campaigns had not proven particularly effective, however, and the

decline continued. The seeds of an organized effort to protect the market, however, were sown.

Perhaps most important politically, the project was also denounced by several noted artists. Attracted by the color and diversity of the market, these artists were outraged by the proposed action. Mark Tobey, an artist of international repute, made known his opposition:



Figure 10. The Life of the Market

Landmarks with human dimensions are being torn down to be replaced by structures that appear never to have been touched by human hands. There

seems a talent today for picking the most beautiful and personal places to destroy--what might be called an aesthetic destructive sense.⁹

In a hearing before the City Planning Commission in September of 1963, Victor Steinbrueck catalyzed the opposition. An architecture professor at the University of Washington, he called the plan a "major catastrophe," an "unimaginative little plan ... not worthy of Seattle's future or appropriate to the city's unique setting." He was particularly incensed by the proposed "Los Angeles-style market," declaring that it amounted to replacing a "grandmother with a chorus girl." Together with the leadership of Allied Arts of Seattle (a nonprofit association of Seattle arts groups), Steinbrueck initiated Friends of the Market as an organization dedicated to preserving the market.

Begun in the summer of 1964, the group had very little sense of what they could do for the market. All members, however, were clear on why they wanted to try. At the opening meeting, Fred Bassetti, a local architect, declared that the market

reveals the face of truth. Its roughness reminds me of Seattle's beginnings, its lusty past, the vitality that gave it national notice long ago. It is an honest place in a phony time... It needs the hammer and paint brush, not the black ball of destruction.

Painter Mark Tobey sent a letter from Basel which became the introduction to his book *The World of a Market*: "this fabulous array of colors and forms," wrote Tobey, "alive with all kinds of people from everywhere," made the market "a refuge, an oasis, a most human growth, the heart and soul of Seattle." Lou Guzzo, then arts

⁹ Alice Shorett and Murray Morgan, *The Pike Place Market*, Seattle: Pacific Search Press, 1982 at 123-4.

editor of *The Times*, chided the city for its "blind, foolish rush to eliminate one of its irreplaceable treasures."¹⁰

Soon thereafter, *The World of a Market* was published. In his introduction, Tobey declared

a need to speak, today, when drastic changes are going on all around us. Our homes are in the path of freeways; old landmarks, many of a rare beauty, are sacrificed to the urge to get somewhere in a hurry; and when it is all over Progress reigns, queen of hollow streets shadowed by monumental towers left behind by giants to whom the intimacy of living is of no importance. The moon is still far away, but there are forces close by which are ready, with high-sounding words, to dump you out of bed and tear from your sight the colors of joy. And now this unique Market is in danger of being modernized like so much processed cheese.¹¹

The Friends came to sense the interactive wholeness of the market. More than the particular buildings, the market embodied the people as well. The market was therefore social as well as aesthetic, vital as well as historic. The market lived because of a fragile link between the physical and the social environment. If torn apart, the Friends believed that it could never be recreated.

The Friends' mission was to open other people's eyes to the market. Their goal was preservation. In November 1964 they opened a booth in the market to dispense information. They raised funds by selling Tobey's *The World of a Market* and Steinbrueck's earlier *Seattle Cityscape*. They also sold shopping bags, two Market recipe books and Market sunflower buttons. Members spoke before city council and

¹⁰ Brewster, *ibid.*

¹¹ Mark Tobey, *The World of a Market*, (Seattle: University of Washington Press, 1964), in introduction).

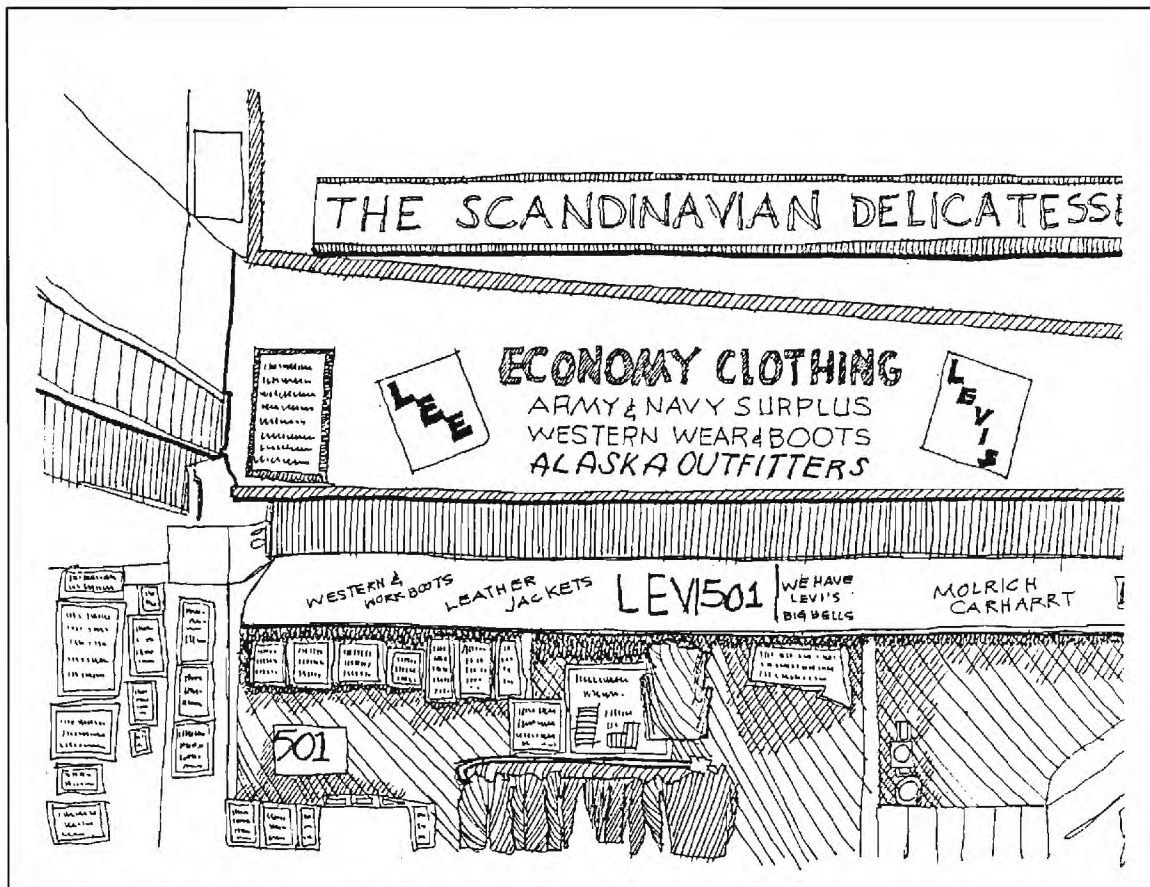


Figure 11. The Multiple Functions of the Market

the planning commission, service organizations, and church groups. They guided tours of the Market and planted trees, shrubs, and flowers on an open hillside nearby.

Other fundraising events--auctions, tours, parties--followed, always made part of the larger educational campaign. For the press and the public, Victor Steinbrueck co-chair of the Friends, became an ever present spokesperson for the Market.

In 1965, compromise between the Friends and the Central Association appeared imminent. After meeting with Robert Ashley (co-chair of Friends), Paul Seibert of the Association declared that "retention of the general heart of the market is possible and desirable." Mayor Braman appointed a Pike Place Advisory Committee

who in turn appointed two highly respected local architects to lead its design and planning team. Donald Vorhees, an attorney who had previously chaired SURE and now chaired the Advisory Committee, stated in the Committee's June 1967 interim report that "we would like to preserve the market pretty much as it is" -- if the physical condition of the buildings made this possible. Various studies were commissioned: a structural survey, a sociological study, an economic feasibility study.

At the same time, however, the redevelopment plan continued to advance. In September 1965 the city asked HUD (which administered urban renewal) for a surveys-and-planning grant. HUD provided the \$370,000 requested in December 1966. A group of 20 local investors incorporated into the Central Park Plaza Corporation in April 1966. Hiring the design firm of Naramore Bain Brady and Johanson, the corporation also began buying property in the project area.

In the winter of 1968, the Morse-Kirk design team unveiled five different preliminary plans to the Seattle Planning and Redevelopment Council. The designers' own preferred "Proposal 21," later modified and renamed Scheme 23, transformed the district into superblocks. The proposal featured a "rehabilitated and expanded" market with a new copper roof, a 29-story hotel between Pine and Stewart near First, four apartment towers averaging 28 stories each, a 30-story apartment building for low-income and elderly residents, an ice rink, parking for 4000 cars, and 300,000 square feet of office space. The only existing building to be preserved was the original L-shaped market building.

The immediate response from the Friends was muted. With the central building saved and Vic Steinbrueck on sabbatical in England, Robert Ashley, now chair of the Friends, expressed cautious approval. At an Allied Arts meeting later that month, however, Fred Bassetti (a former partner of Morse) declared that the plan left the Market a refugee "isolated and adrift in an alien environment." Steinbrueck wrote from London that under the proposed plan, the Market could neither "retain its character nor continue to serve low-income shoppers nor provide space for low-income merchants."

The official Friends of the Market position paper, while granting that "a sincere and professional effort has been made by all concerned" nonetheless warned that the proposal "could have a brutal and overpowering effect upon the intricate social and merchandising conditions in the Market." The statement called for retention of more farmers' stalls and old buildings, more low-income housing, assurance that rents would remain low enough to keep present merchants, and establishment of a "watch-dog" committee to prevent development unsympathetic to the "established character" of the market.¹²

While the mayor denounced the Friends as "nitpickers" and publicly declared that he saw no reason to leave such a choice area in the hands of the current residents, the design team and the city's project managers continued meeting with the Friends, market operators, and other groups to modify and refine their plan. By September, when the City Council finally authorized submission of Scheme 23 to HUD

¹² Brewster, op cit.



Figure 12. In the Hands of Current Residents

for its review, the plan had been further revised. The copper roof was gone from the main market building. The building would be restored "as close to an historic duplication as possible." The Economy and Corner Market buildings were also to be retained. The LaSalle and Leland Hotels were to be remodeled and kept as low-income residences. The four original 28-story apartment buildings were redesigned into six towers ranging from 11 to 27 stories, while the 30-story public-housing tower had become a complex of buildings from five to eight stories high.

During the six months it took HUD to review the plan, the Friends obtained more than 50,000 signatures petitioning the city to reconsider the plan. The petitions,

and the 33 hours of testimony given at public hearings, had little effect on city council. On August 11, 1969, the council voted unanimously to request \$2 million for the first year of urban renewal.

Steinbrueck and the Friends attempted a different strategy. Based on documents presented by the Friends, the State Advisory Council on Historic Preservation placed two-thirds of the district (17 acres) on the National Register of Historic Places. Under the Historic Sites Act, public money could be spent inside a registered Historic Place only with prior approval by the Advisory Council on Historic Preservation. After appeal by the city, however, the Advisory Council reduced the size of the district to 1.7 acres. The project was once again free to move forward.

On May 10, 1971, one day after the city received final approval for the Pike Plaza project, the Friends called for an initiative campaign to establish a seven-acre historic district and a Market Historical Commission. The initiative specified the organizations from which the Commission members must be selected and gave as its purpose

the preservation, restoration, and improvement of such buildings and continuance of uses ... as ... shall be deemed to have architectural, cultural, economic, and historical value.

The initiative was designed to save market "uses" as well as buildings. Within a month they obtained the necessary signatures to place the measure on the ballot as Initiative Number 1. A new group composed of political activists experienced in managing campaigns, formed the Alliance for a Living Market. The group augmented the campaign activities of the politically less experienced Friends.

Over the next two months, the city and development community initiated counter proposals. City Council, at the behest of Mayor Wes Uhlman, placed a second initiative measure on the ballot. This initiative, if passed, would establish a 1.7 acre historic district. The Committee to Save the Market at 81 Pike Place was formed to promote the measure. With financial backing from the Committee, several prominent tenants of the market placed advertisements in the paper which declared

Pike Place Merchants Ask Your Support: We've been analyzed, scrutinized and idolized by every hippie, do-gooder and dilettante who has needed a special project to earn a market merit badge. We're sick of it -- vote No.

The final vote: 76,369 to 53,264 in favor of the Friends' sponsored initiative.

The problems of the Market, however, were far from over. The market struggled along with 10 percent of its stalls rented. The building remained dilapidated. Code enforcement in the area had caused the resident population to drop significantly.

The city, however, moved rapidly to implement a law it had fought hard to kill. City Council adopted an ordinance implementing the provisions of the initiative. Within the 22 acre urban renewal site, it created a seven-acre Market Historic District. The Council also created a Market Historic Commission to interpret the ordinance and establish guidelines for restoration and regulatory oversight. As required by the initiative, Mayor Uhlman appointed to the Commission two members from the Friends of the Market, two from the Seattle chapter of the American Institute of Architects, two from Allied Arts of Seattle, two Market property owners, two Market merchants, and two residents of the historical district.

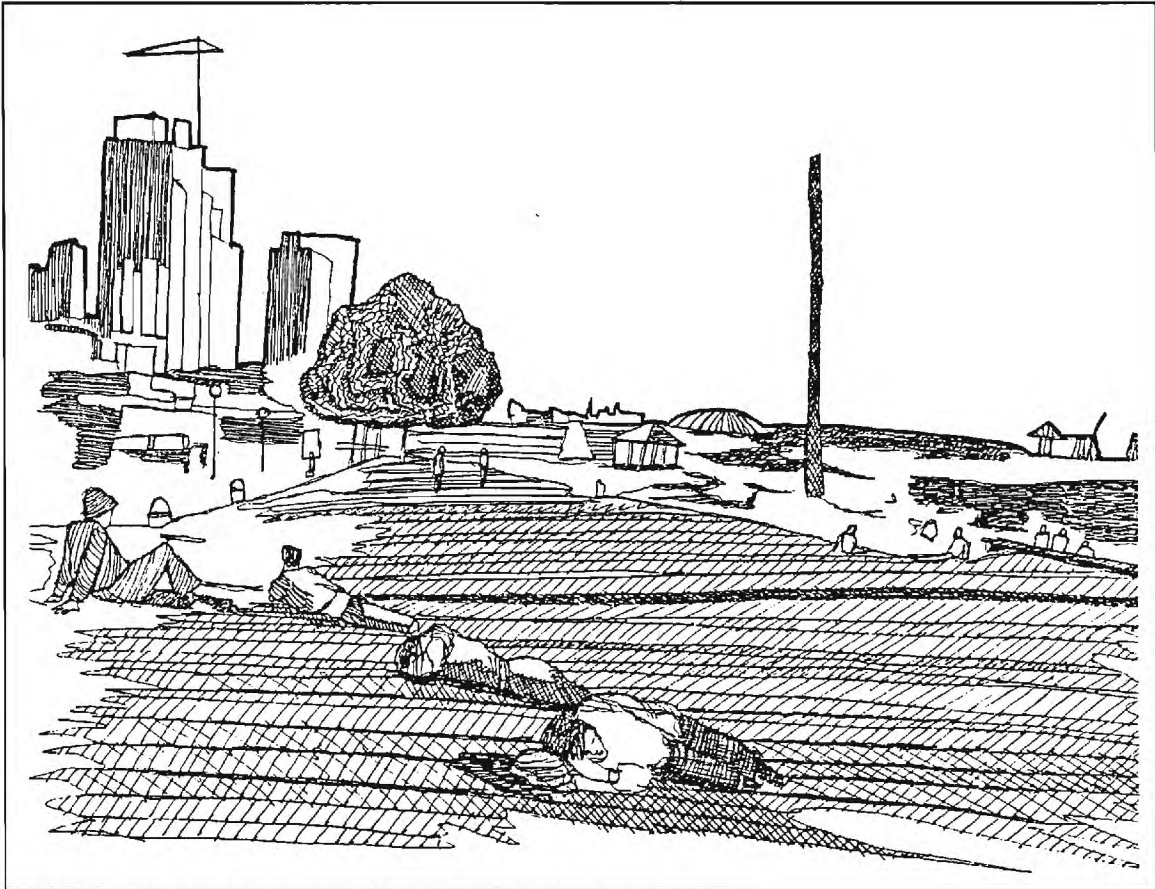


Figure 13. A Park Along Side the Market

The Commission first drafted stringent guidelines to govern the district. The commission created a priority system for evaluating applications for use or development:

- as a place for the farmer to sell his produce,
- as a place for the sale of every kind of food product,
- as a place where citizens in the low and moderate income groups can find food, goods and services, and residences, and
- as a place with the flavor of a widely varied shopping area.

Within that framework, the commission set out to encourage seventeen specific types of activity, including person-to-person sales; those offering hard-to-find goods, whether seasonal, ethnic, or for any other reason not readily available in the Seattle area; those involving light manufacturing by processes which were themselves visible and interesting; those catering particularly to the pedestrian, or offering goods for sale in a natural state as distinguished from pre-packaged; those bringing together people of all backgrounds, enriching the quality of life, or relating to historical Market uses or activities.¹³

The commission created specific regulations governing the construction of new structures, facades and other built objects. To maintain the character of the Market, new buildings must harmonize in material, scale, and form with surrounding structures. Buildings and facades should be of brick, stone, or concrete, preferably unpainted, but with approved surface treatment. Facades should have a greater proportion of voids than solids at pedestrian level. Commission approval as well as a building permit would be required before work could start on razing, remodeling, or building from scratch.¹⁴

The city planning staff began documenting the Market area, writing a Historical Preservation Plan, and getting the seven acres placed on the National Register of Historic Places. The Market Historical Commission also began to develop plans for "the acquisition and perpetuation of the Pike Place Market and of market activities

¹³ Shorett at 142.

¹⁴ Shorett, p. 142-143.

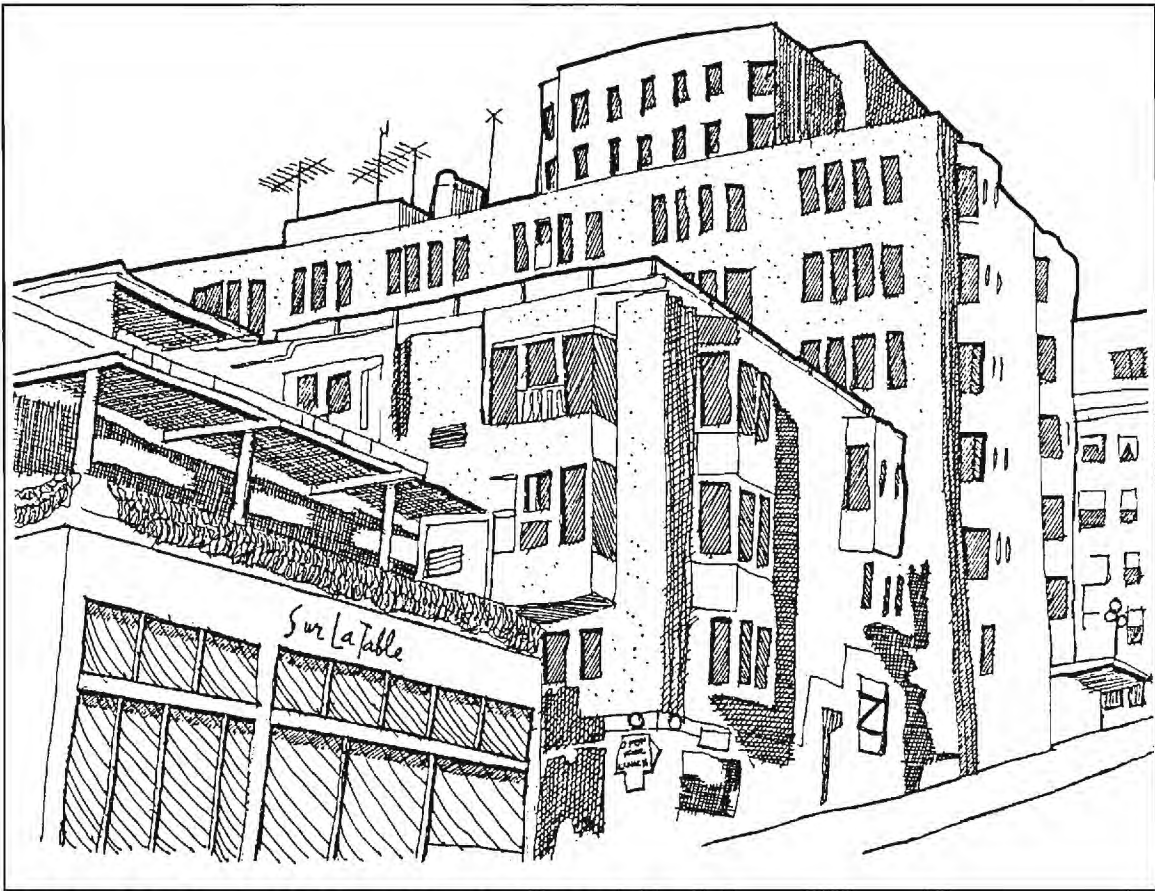


Figure 14. Sur La Table, a Private Renovation

through either public ownership or other means." A subcommittee pursued the idea of creating a public corporation and eventually proposed creation of a Public Development Authority for the urban renewal project. The Authority would work to restore the Market, using the financial tools of a private corporation. After state legislation enabled the city to establish such a corporation, the Pike Place Public Development Authority was chartered by the city in June of 1973.

The P.D.A. has a twelve-member board, four appointed by the mayor, four by the Market Historical Commission, and four elected by the "constituency." The constituency was proposed as a means of encouraging public participation. Anyone

can become a member of the Pike Place constituency after reaching the age of sixteen and paying a dollar year membership fee. The Authority's mission is to purchase, rehabilitate, own, and manage property in the Pike Place Public Market.¹⁵

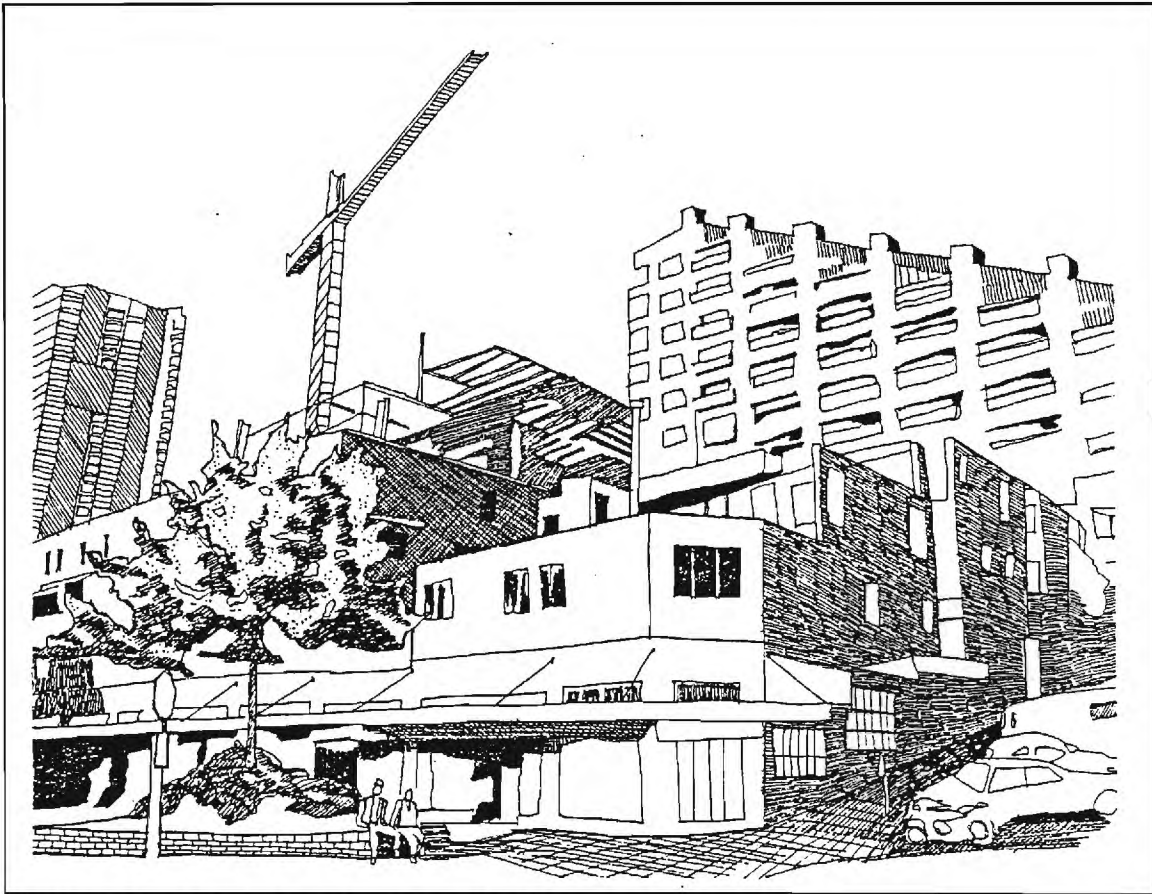


Figure 15. The Urban Renewal District

Actions taken within the historic district had to fit within the pattern of the larger 22 acre urban renewal district. As developed in a series of evening workshops at the Seattle Center, the governing philosophy for the renewal area was to be preserve first, repair second, restore third and reconstruct only when necessary. Within the historic

¹⁵ Shorett, p. 145.

district, the plan called for the rehabilitation of twenty-four structures, the rehabilitation or replacement of seventeen others. Steinbrueck and the Friends of the Market opposed the plan as being too vague. The former members of the Alliance for a Living Market and the Historical Commission supported the plan. The city council approved the plan.¹⁶

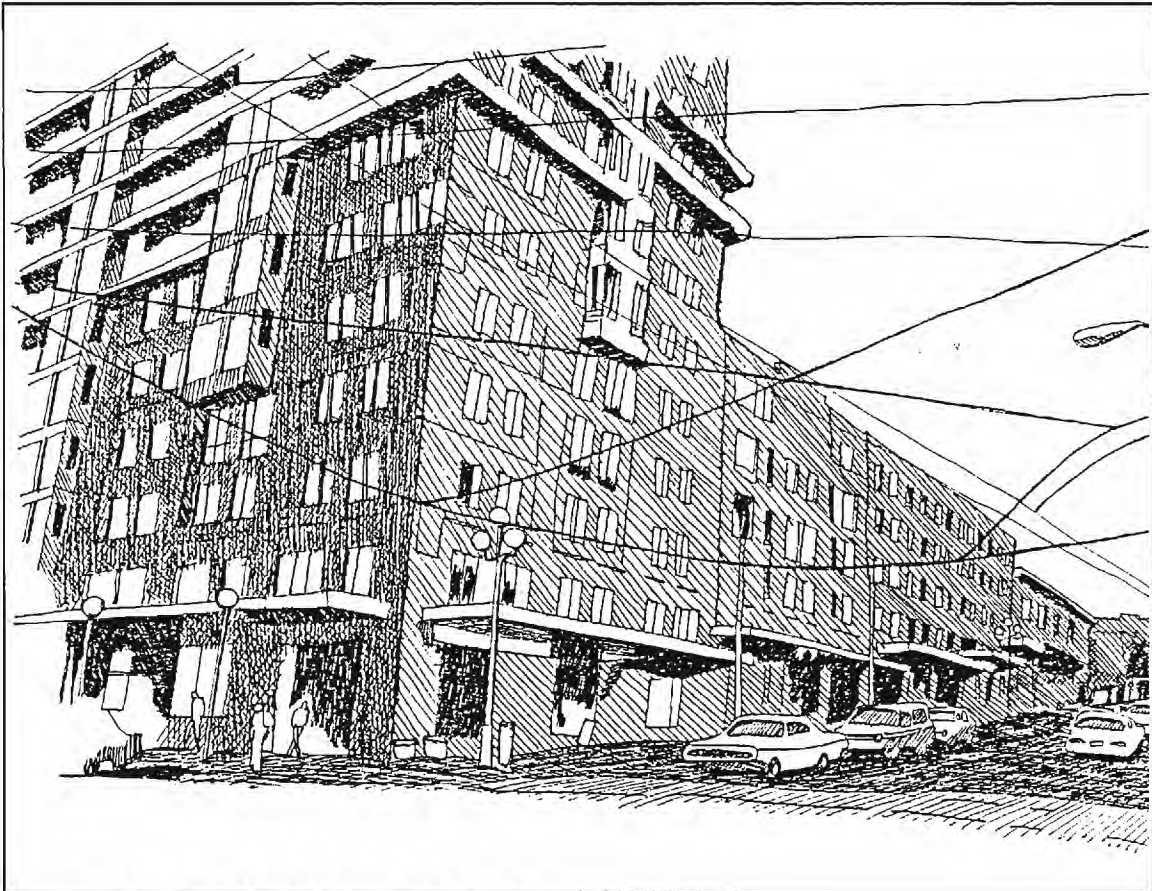


Figure 16. The Market at First Avenue

All told, the urban renewal project cost almost \$50 million in public funds. Fourteen million dollars was spent on restoring the original market alone. the Corner

¹⁶ The Pike Place Project ordinance.

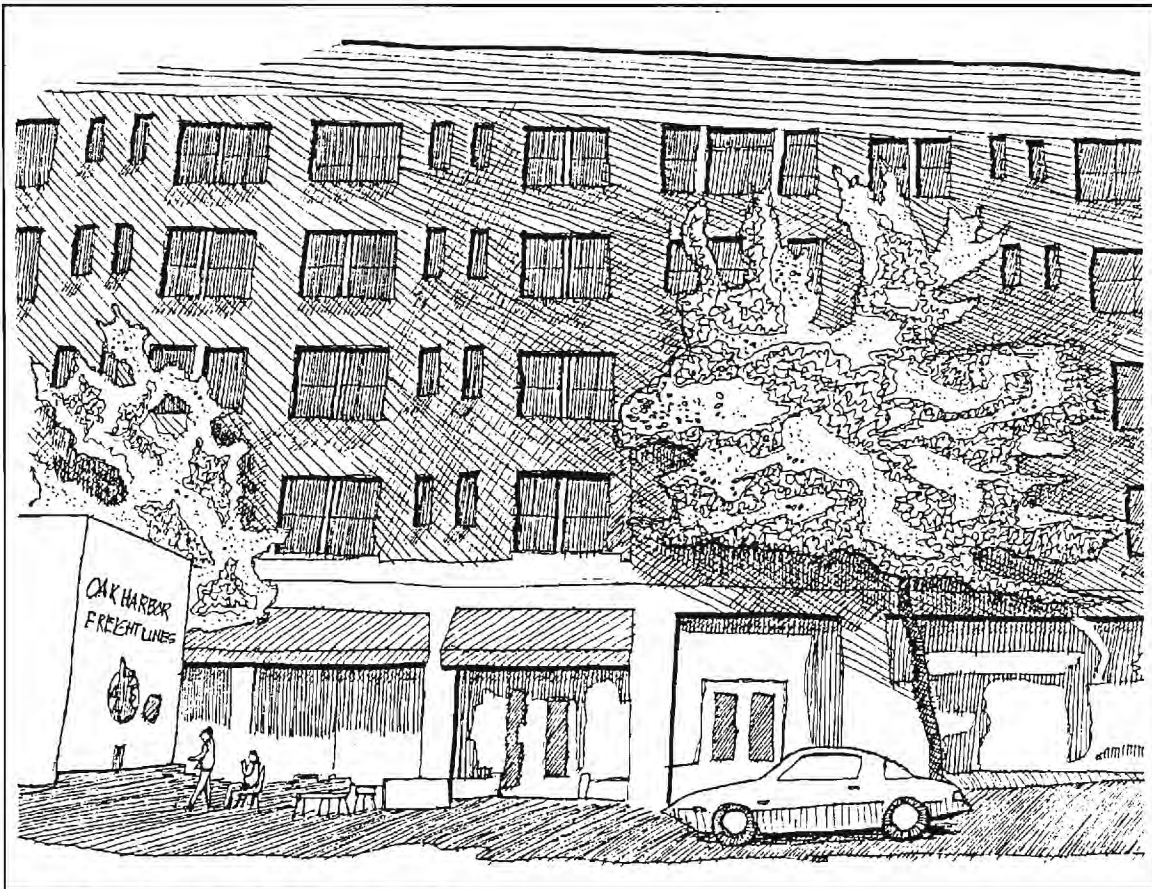


Figure 17. The Stewart House

Market was similarly renovated. The Stewart House, once destined for demolition, was converted into housing offering single rooms and shared bathrooms. The wood-frame Camp Hotel was demolished and ninety-six housing units for low-income tenants were erected in its stead. A forty-nine unit low-income apartment house was built on the site previously occupied by the LaSalle.

The Pike Place Public Development Authority acquired deeds to the Corner Market in 1975, the Soames/Dunn Buildings and the Triangle Building in 1976, the Main Market and the Economy Market in 1977, the Cliff House Hotel in 1979, and the Sanitary Market in 1980. Private financing has enabled the renovation of many

privately held buildings, including the Fairmount Hotel; the Butterworth Building; Alaska Trade; the Seattle Garden Center/Sur La Table; and the new Olson-Walker Building.

Currently the Pike Place Market is governed through six organizations. These include:¹⁷

- *Preservation and Development Authority (PDA)*. Chartered in 1973 by the City of Seattle following the 1971 passage of the historic "Save the Market" initiative, the PDA is a public, non-profit corporation which manages 80% of the property contained within the seven-acre Market Historical District. PDA staff includes administrative personnel, janitorial and maintenance crews, and security. The PDA owns and manages commercial, residential and daystall properties. Four parking lots are also managed by the PDA.
- *PDA Council*. PDA staff actions are governed by 12 volunteer Council members. The PDA Council is made up as follows: four are appointed by the Mayor's office, four are elected by the Market Constituency, and four are appointed by the Council itself. Each member serves a four-year term.
- *Constituency*. The Constituency is a public organization made up of individuals interested in Market affairs. Meetings are held on a quarterly basis. Anyone over age 16 may join; annual dues are \$1. Members receive copies of the *Market Record*, published monthly by the PDA. Four PDA Council members are elected by the Constituency. All officer positions are voluntary.
- *Pike Place Merchants Association*. The Merchants Association jointly promotes the Market with the PDA. If needed, this organization acts as an advocate in the event of tenant/landlord disputes. The Market's Street Fair, held each year over Memorial Weekend, is managed by the Association, along with sales and production of Market posters. A health care plan on behalf of Market community members is administered by this organization.
- *The Historical Commission*. Administered by the City of Seattle's Office of Urban Conservation, the Commission is an elected body of representatives from property owners and residents within the Historical District, grass-roots organizations instrumental in passing the "Save the Market" initiative, and Allied Arts. The Commission administers guidelines and policies regarding what type of businesses can exist within the Historical District, type of merchandise sold,

¹⁷ Public Market Preservation and Development Authority, "Pike Place Market: Governing Organizations." 1988.

signage, design changes, new development or renovation to existing structures. The Commission helps maintain and preserve the Market's historic character by application of these guidelines.

- *The Market Foundation.* The Foundation is an "umbrella organization" that is responsible for raising funds to be distributed to the social service agencies within the Historical District. These agencies include the Pike Market Childcare Center, the Pike Market Clinic, the Senior Center, and Downtown Food Bank.

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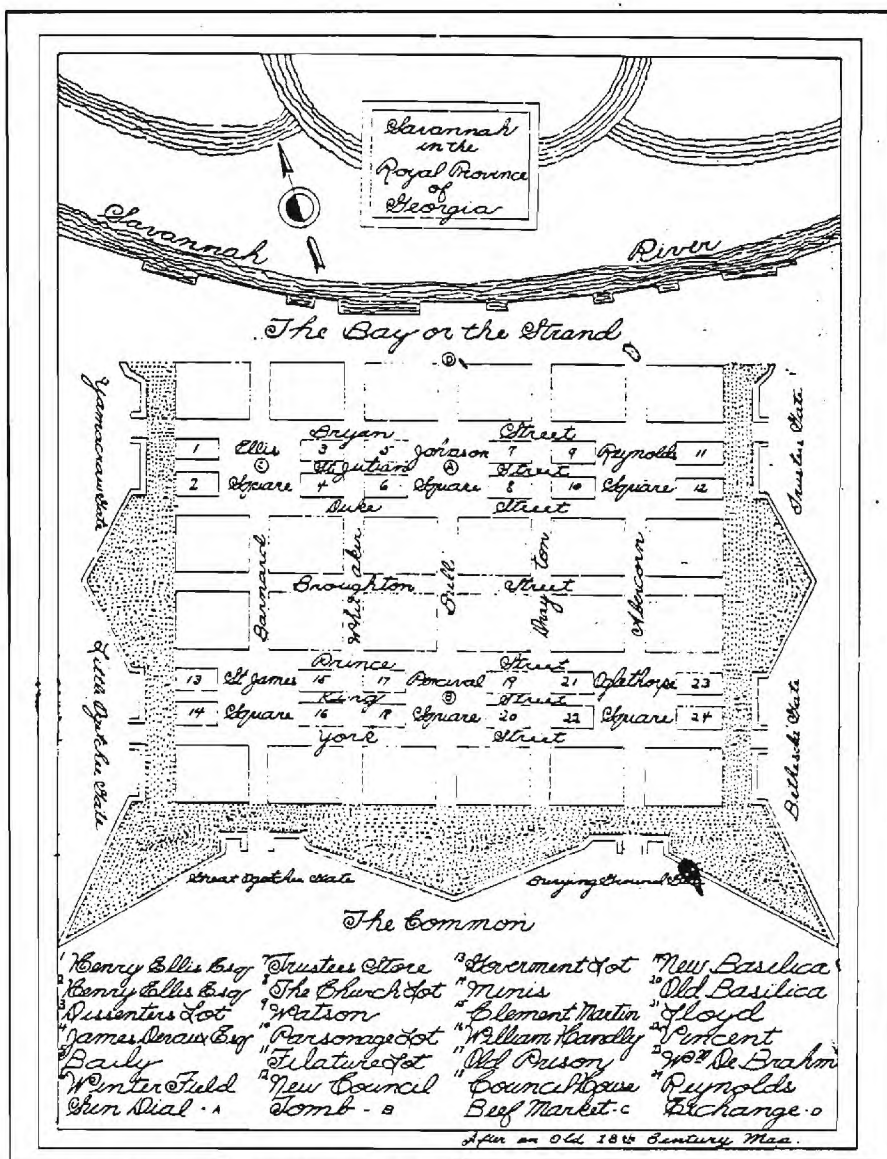


Figure 1. The Oglethorpe Plan

walled, with livestock allowed to graze in the squares, protected within the confines of the city.

The belt of open land surrounding the city was also held in common. Until 1865, expansion of the city was located on this publicly held land. In this context, city officials were able to

provide for an orderly growth that conformed with the Oglethorpe plan. In all, 24 wards and the neighborhoods to the east and the west of the original Forsyth Park were developed on common land over the 120 years following the founding of the city. In 1851, the last neighborhood built on common lands was developed around the 16

acre Forsyth Park. The park, laid out on axis with the original Johnson Square, formed the terminus to the Oglethorpe inspired plan.

Beginning in 1865, the city of Savannah grew rapid onto the privately owned farmlands that surrounded the city. The city council adopted an official street and open space plan for the area, extending an uniform grid street system while providing for only two small parks. Streetcars were located to link the area to the waterfront. Between Gwinett Street and Victory Drive, over 400 acres of suburbs were developed before the turn of the century.

During the early twentieth century, and particularly during the Depression, the city squares fell into disrepair. Many were unkept and covered with weeds. Half were little more than dirt lots. Streetcar lines pierced the squares, emergency vehicles regularly drove through them and an automobile club proposed paving thoroughfares through their centers. In 1935, the city bisected the three westernmost squares to create the terminus of Interstate 16. The creation of the Civic Center further eroded the Oglethorpe plan.

The decay of the squares was coupled to a general decay in the housing stock of the historic core of Savannah. Built as a prosperous residential city, Savannah consisted primarily of town and row houses built of soft Savannah grey brick, often covered with stucco. The city, however, lost many of its residents to suburban development. This suburbanization began in the 1920s, accelerated rapidly in the 1940s.

Between 1950 and 1960, the out-migration of residents from Old Savannah reached crisis conditions. Between 1950 and 1960, the district lost over a fifth of its population.¹ In 1950, only 7% of the historic district homes were owner occupied. Over half (53%) of all housing units were dilapidated.² During the next two decades, conditions continued to worsen in many sections of the district as the neighborhood deteriorated through disinvestment. Row upon row of the city's town houses were turned into tenements or torn down. New buildings that were constructed were mediocre and out of scale and character with their setting. Although from time to time an occasional building was saved, it was not until the 1950's that the historic district received serious attention.

I. The Historic District

Virtually everyone in Savannah, from the Chamber of Commerce to the suburban residents, now considers the squares essential to the slow-paced ambience of a walking city. The historic fabric of the city is widely admired and appreciated. From a base of 25,000 visitors per year in the mid 1950s, the city now attracts over 5.1 million visitors per year. All told, these visitors spend \$493 million in the local economy, making tourism the county's third largest industry.^{3,4}

¹1950 and 1960 U.S. Census of Population.

²1950 U.S. Census of Housing.

³"5.1 million tourists visit Savannah with more to spend," *The Atlanta Constitution*, Section B at 3, May 9, 1990.

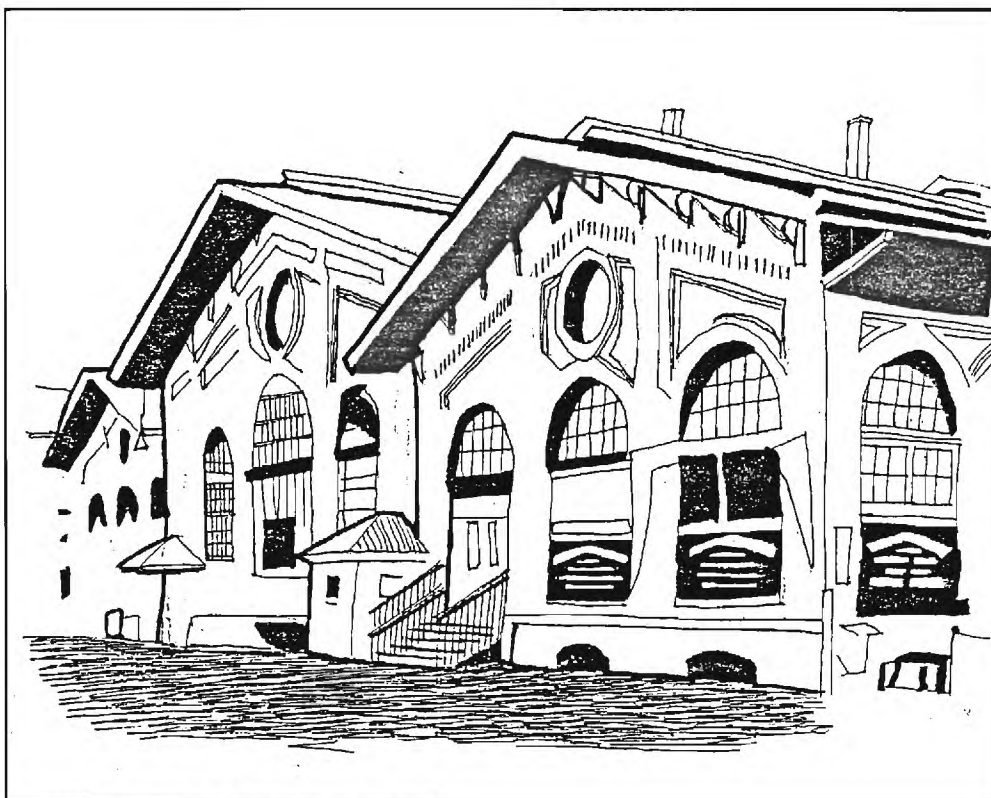


Figure 2. The Old City Market

This support from the Chamber of Commerce did not exist in the 1950s. With more modern cities serving as

models of progress and suburbs depleting the central city of its population, the Chamber's call to progress was a call to demolition and new construction. Historic Savannah Foundation countered the "call for progress" of the late 1950's through the slogan that "in Savannah, historic preservation goes hand in hand with economic progress."⁵ The Foundation's public education campaign stressed that if Savannah capitalized on its unique historic and architectural assets, it could have a multi-million

⁴"Savannah reclaiming historic squares," *The Atlanta Constitution*, December 23, 1985 at 13A.

⁵Lee Adler, personal interview.

dollar tourist industry and at the same time recreate an urban environment of the highest quality.

With the assistance of Colonial Williamsburg and the Georgia Institute of Technology, the Historic Savannah Foundation was able to assess and document Savannah's tourist potential. Georgia Tech's study suggested that with \$300,000 a year invested in restoration and in promotion, Savannah could produce tourist and convention revenues of up to 150 million dollars annually. Since that time, Historic Savannah Foundation has spear-headed a drive that has restored over 1000 buildings and reclaimed nearly 3 square miles of downtown property. These efforts have resulted in 400 million dollars in construction activity in restoration--approximately 55 million dollars in related real estate activity and an extremely active market in buildings whose values have often risen ten to twenty times in the past twenty-five years.⁶

The first efforts at renewal of historic Savannah began in the late 1940s. These efforts focused on a few specific projects such as garden rehabilitation projects and public building restorations. The efforts, however, were not primarily oriented toward preservation. To improve automobile access to Broughton Street (the city's commercial center), the city demolished its city market and constructed an extremely mundane parking garage in its place. The destruction of the market, a beautifully crafted building, catalyzed concern that existed amongst some of Savannah's leading citizens.

⁶Personal Interview, Lee Adler.

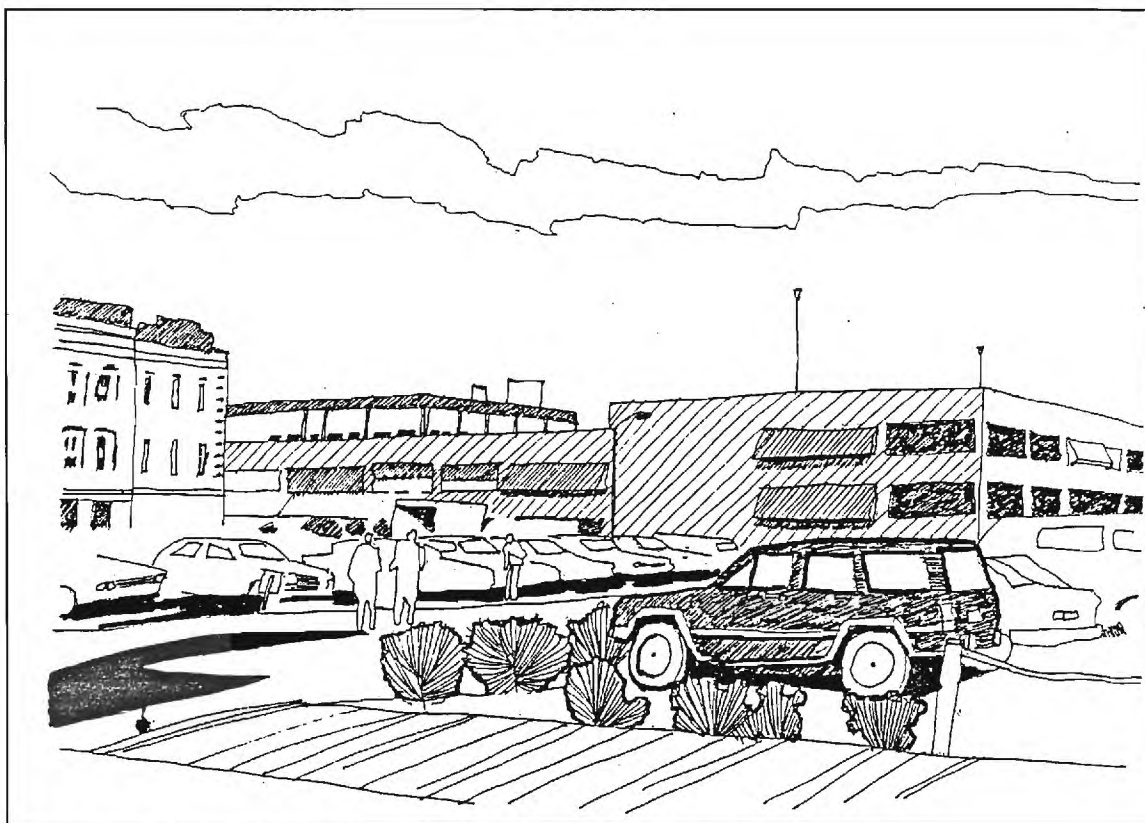


Figure 3. The City Garage, on the Site of the Old City Market

In 1954, an effort to preserve a private residence, the Davenport House, led to the formation of the Historic Savannah Foundation (HSF). Before being abandoned, the Davenport House had been converted into a tenement where eleven families lived. Seven women organized the Foundation as a vehicle for purchasing the Davenport House. The women, unskilled in either property management or real estate management, promptly gave the deed to another organization. In the process, however, they attracted the interest of a group of businessmen who joined them. The HSF modelled itself after the Historic Charleston Foundation, a non-profit organization founded in 1947. Thus began an organization that would soon grow into a potent political force.

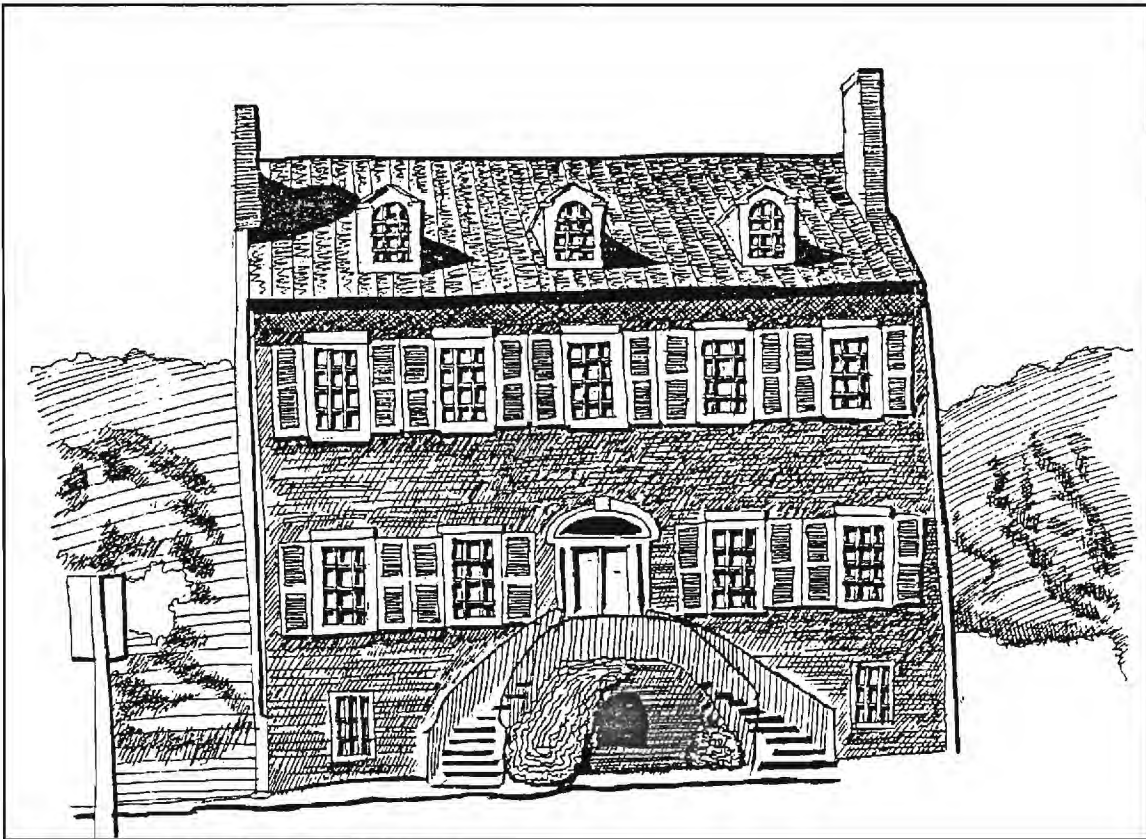


Figure 4. The Davenport House

During this period, other individual buildings attracted concern. The National Board of Girl Scouts of America purchased and restored the Wayne Gordon House. The house was the birthplace of the organization's founder, Juliette Gordon Low. The Green Meldrim House, where General Sherman stayed during his occupation of Savannah, was also preserved. Efforts to convert William Jay's Owens-Thomas House into a public museum were also begun. Throughout most of the 1950s, however, the attention of the Foundation was focused on a few, select buildings.

In 1959, the loosely-knit organization began to plan a cohesive program of community action. Goals were set, with initial emphasis placed on a public education

program. The program began to reawaken local resident pride in Savannah's historic and architectural heritage. Research on the potential economic benefits of restoration were assessed and publicized.

Before systematic plans for restoration could commence, the Foundation needed an appraisal of Savannah's historic buildings. The Foundation financed a professional inventory of the nearly 3,000 structures in the 3 square mile downtown section. This survey later served as the basis for both the urban renewal programs and the historic zoning ordinances. Financed with \$25,000 in grants from the Junior League and the Wormsloe Foundation, the full cost of the survey was recovered through sale of the published results.

During this period, demolition of historic buildings was being encouraged by both economics and public policy. The soft, porous grey brick used in constructing much of historic Savannah was in much demand. The brick could not be easily duplicated and was widely desired in suburban Savannah home construction. Consequently, an historic brick could be sold for three times what a common brick cost. Given the widespread abandonment and low prices of buildings in the historic district, a wrecker could purchase a building and make a profit of 50% or more on the brick alone. Federal policy exacerbated the problem by providing FHA loans to homebuyers in suburban locations but not in older residential neighborhoods.

In the early 1960s, the Foundation initiated its first highly-leveraged real estate operations. Up until now, buildings purchased by the Foundation had remained in the hands of the Foundation. No other process for preserving the buildings had been

identified. The Davenport House had been purchased directly by seven interested citizens and converted into a house museum and the Foundation's headquarters. Other financial techniques would be needed, however. In 1963, to save the Oliver Sturges Mansion, built in 1813, the Foundation created a syndication in which many interested persons lent relatively small amounts of cash. An unsubordinated loan of \$50,000 was obtained based on a \$26,000 upfront investment by Historic Savannah Foundation. Much of the \$26,000 in privately provided funds was lent to the Foundation interest-free.

Historic Savannah Foundation's membership grew to a thousand as community enthusiasm and understanding of its goals increased. The Foundation was reorganized: an executive secretary and other staff were employed, the Board of Trustees was enlarged and an executive committee composed of the chairpersons of standing committees was formed. A steering committee, composed of the officers and businessmen, developed new organizational policies regarding methods of privately financing historic preservation.

As developed by the steering committee, the Foundation sought to purchase buildings for resale to individuals who would restore them. The resale contract would contain protective covenants attached. The Foundation would stop the practice of restoring buildings itself.

To execute this policy, the Foundation needed a stable source of monies. In 1964, a revolving fund was created to provide capital to the Foundation's first significant effort at area-wide restoration. The revolving fund was created out of a

\$75,000 grant from a local foundation and \$125,000 in other private contributions. Concurrently, the Foundation developed a consortium of banks to help finance the purchase and resale of buildings.

The elements of effective action had been pieced together. The Foundation had a core professional staff, a published inventory and access to funds through a \$200,000 three-year revolving fund and a \$500,000 line of bank credit. The first area restoration project was now possible. The Pulaski Square and West Jones Street area restoration project was launched. The area, while blighted, had rated high in the Foundation's professional inventory. The Foundation first optioned or bought houses in the area. The restoration project officially opened on November 21, 1965, with 14,000 people in attendance. Over 90 buildings in the area were sold to homebuyers under covenants protecting historic characteristics of the buildings. With only \$38,000 of seed money, over \$5,000,000 in private restoration occurred.⁷

Across the historic district to the east, just one square south of the Davenport House, an urban renewal preservation effort was initiated in the ward surrounding Troup Square. The effort was the first urban renewal conservation program in the south. The city's Housing Authority accepted the Troup Ward area as a pilot project after Historic Savannah purchased the abandoned buildings for \$24,000. The area included over 15 acres and encompassed 82 structures and 127 dwelling units. Using federal monies, the housing authority initiated a rehabilitation demonstration project. The city provided public investment for improvements to the streets and Troup Square.

⁷Lee Adler, Personal Interview.

Thirty-six structures were privately rehabilitated with Section 312 loans. These federal loans were provided at interest rates of 3% and could be subordinated to private mortgages. Because the loan was subordinated, a buyer could re-mortgage the property to obtain funds for restoration.



Figure 5. Historic Residence

At the same time guidelines were developed to fit in new buildings compatibly with their old neighbors. Sixteen criteria were developed, including:

- *height*: within 10 percent of the average height of the district,
- *proportion of buildings' front facades*: width to be approximately one to one and a half times height,
- *proportion of openings within the facade*: height of windows to be twice that of width,

- *rhythm of solids to voids in front facade*: strong and weak elements of the facade to alternate recurrently,
- *rhythm of spacing of buildings on streets*: building mass and open space between buildings to alternate recurrently,
- *rhythm of entrance and/or porch projections*: entrances and porches on buildings throughout a neighborhood to project rhythmically,
- *relationship of materials*: predominant material used in neighborhood to be reflected in new construction,
- *relationship of textures*: predominant textures used in neighborhood to be reflected in new construction,
- *relationship of color*: predominant colors used in neighborhood to be reflected in new construction,
- *relationship of architectural details*: predominant details used in neighborhood to be reflected in new construction,
- *relationship of roof shapes*: predominant roof shapes used in neighborhood to be reflected in new construction,
- *walls of continuity*: continuous, cohesive walls of enclosure around streets to be maintained,
- *relationship of landscaping*: mass, quality and continuity of landscaping to be maintained,
- *ground cover*: predominant ground cover used in neighborhood to be reflected in new construction,
- *scale*: scale of building mass, architectural details and building units to reflect neighborhood construction, and
- *directional expression of front elevation*: the vertical, horizontal or non-directional character of the building's front elevation to reflect neighborhood.⁸

⁸City of Savannah, *Historic Preservation Plan for the Central Area General Neighborhood Renewal Area, Savannah Georgia*, (Report prepared by Eric Hill Associates, Planning Consultants, undated)

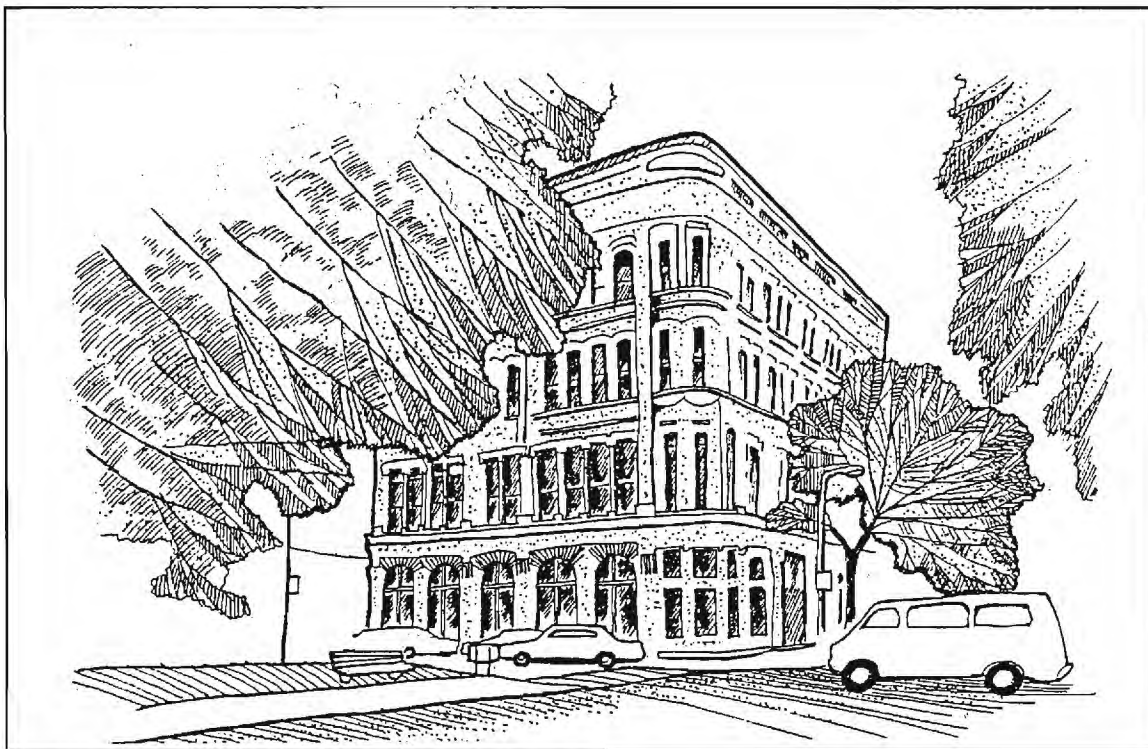


Figure 6. Historic Commercial Structure

In 1966, the Department of Interior designated the downtown area covered by the Foundation's inventory as a national historic district. By the late 1960s, the process of restoration had reached a critical mass. Before completed, the restoration effort would require that Historic Savannah Foundation raise one million dollars in cash and four million dollars in loans over a ten year period. While a substantial amount, the investment was able to leverage some \$400 million dollars in private restoration and new construction. Historic Savannah's headquarters now houses an active staff and many activities, including an historic district tour service which produces \$1,000,000 in revenues a year. Volunteer help and the cooperation of many city and county agencies have enabled the Foundation to launch a number of programs. Some, such as the installation of signs designating the names of squares, focused on

physical improvements. Others, such as the organization of an annual celebration commemorating the founding of the colony on February 12, 1733, seek to build public involvement. This festival is now a week long. Education programs also remain central to the mission of the Foundation. An heritage classroom has been constructed in the Massie School. The classroom is used to educate the children of Savannah in the value of Savannah's architecture, its architects, and its city plan. The education emphasizes Savannah's national uniqueness. The program is designed to help insure a constituency for the protection of Old Savannah.

In 1973, the rehabilitation of the historic core had transformed the district. Once again, it was vibrant, restored, livable. From a condition of wholesale abandonment, the district had been renewed. The availability of historic structures for low prices had fueled two decades of restoration. The federal Advisory Council on Historic Preservation found that the appraised valued of Historic District blocks grew by 275% between 1965 and 1978, compared to a county-wide growth of 184%.⁹ The problem of managing the district therefore changed, from one of rehabilitation to one of maintenance. In this year, the city created the Savannah Historic District Board of Architectural Review. The Board was given authority over the area bounded by the Savannah River and Gwinett Street on the north and south, and East Broad¹⁰ and

⁹Dennis Gale, *Neighborhood Revitalization and the Postindustrial City*, (Lexington MA: D. C. Heath and Co., 1975 at 17)

¹⁰Between the River and Broughton, the east boundary extends to Randolph Street.

West Boundary Streets to the east and west. Altogether, the district includes 2.5 square miles and is the nation's largest urban historic district.

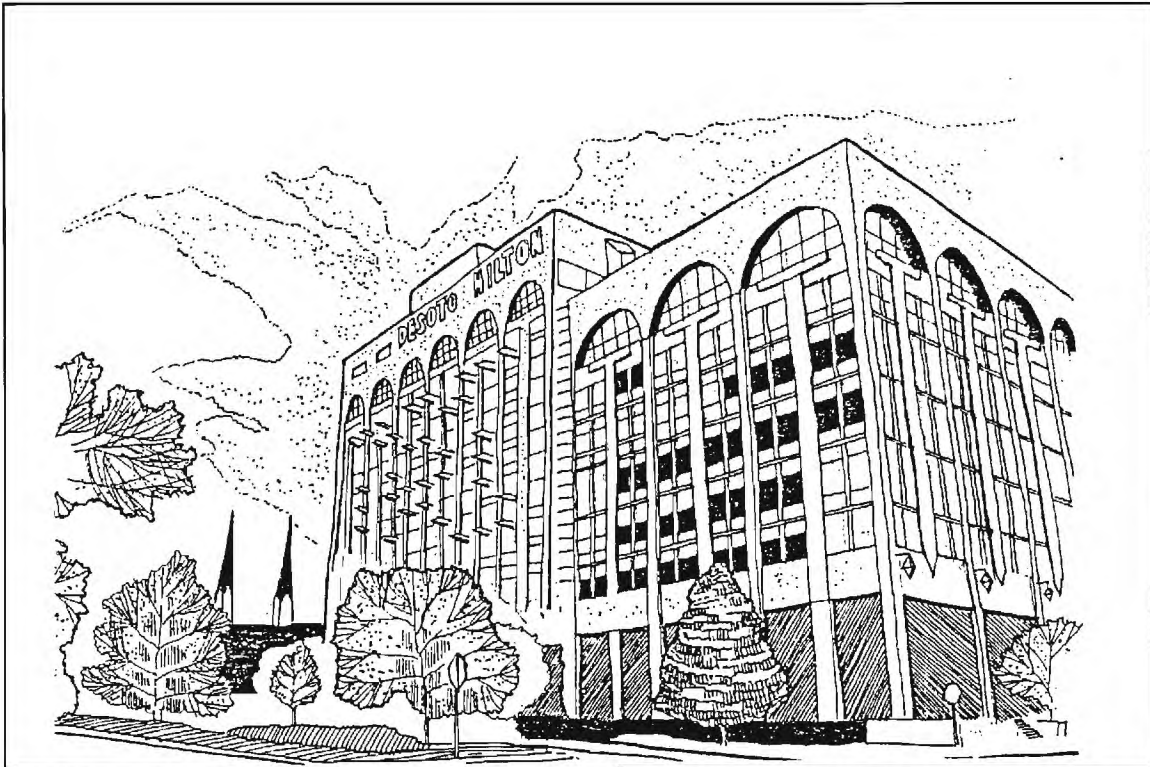


Figure 7. The Desoto Hilton, in the Center of the Historic District

The Board consists of seven members, appointed by the Mayor and Alderman for three year terms. Members must reside in the city and have a demonstrated interest in the preservation and development of the Historic District. Staff support is provided by the Metropolitan Planning Commission. The City Preservation Officer provides much of this support.

The management of this district creates considerable difficulty. The Board reviews all elements of development, redevelopment, rehabilitation and preservation that affect the visual quality of the Historic District. Exterior architectural changes and

new construction are regulated. The Board reviews an average of 150 to 175 new petitions per year. Approximately 35 percent of these petitions involve significant actions associated with renovations, new construction or demolition. The remainder of petitions center on color changes, signs and awnings, landscaping elements and similar actions.

The revitalization of Old Savannah, while extremely successful at restoring the architectural and design integrity of the central district, did so through considerable displacement. While many of the buildings originally purchased by the Foundation were abandoned, the widespread private rehabilitation of residences inflated rents throughout the district. Between 1970 and 1980, the largely low-income black population dropped by almost 1,000 residents.¹¹ Vacancies, which stood at 11% in 1970, increased to 18% in 1980¹² as low-income residents moved to less expensive quarters at a rate faster than higher income residents moved in. The problem of gentrification was to become a central issue in the preservation efforts associated with the Victorian District.

II. Commercial Revitalization

Not all redevelopment in the historic district was focused on residential structures. With the decline of the housing stock, a corresponding decline in commercial opportunities also occurred. Between the 1940s and the late 1960s,

¹¹1970 and 1980 U.S. Census of Population and Housing.

¹²1970 and 1980 U.S. Census of Population and Housing.

demolition and reconstruction of the factor's walk and factor's row complex were repeatedly proposed. The complex marks the historic riverfront which spans nearly a mile where the city was founded. Built in the prosperous commercial days when Savannah served as a central port for the export of cotton, the complex links the city with its port on the Savannah River. As such, it was the life-line of the city. Ramps and retaining walls were built to preserve the 40-foot bluff along which the city was built. Freestanding warehouses were erected on the river level and joined to the top of the bluff, called the strand. Because of the height difference, the buildings are two stories on the city side but five stories on their balconied Savannah River side.

In the late 1960s this complex was threatened by developers planning a 15-story motel and apartment. These and other proposals for highrise construction on the river were rejected by the city. Instead, with federal assistance, the city constructed a \$7.5 million dollar riverside plaza to reinvigorate the deteriorating riverfront area. River Street was repaved with block and cobblestone. The plaza, named after John Rousakis, the city's five-term mayor, has attracted shops, restaurants and other private investments totalling over \$100 million.

Chief amongst these investments includes a riverfront Hyatt that bisects the plaza. The original proposal called for a 15 story hotel. A lawsuit forced the city and the hotel to agree to a 9 story structure. The building, made of modern materials, textures, colors and design elements, remains in sharp contrast to the historic district surrounding it.

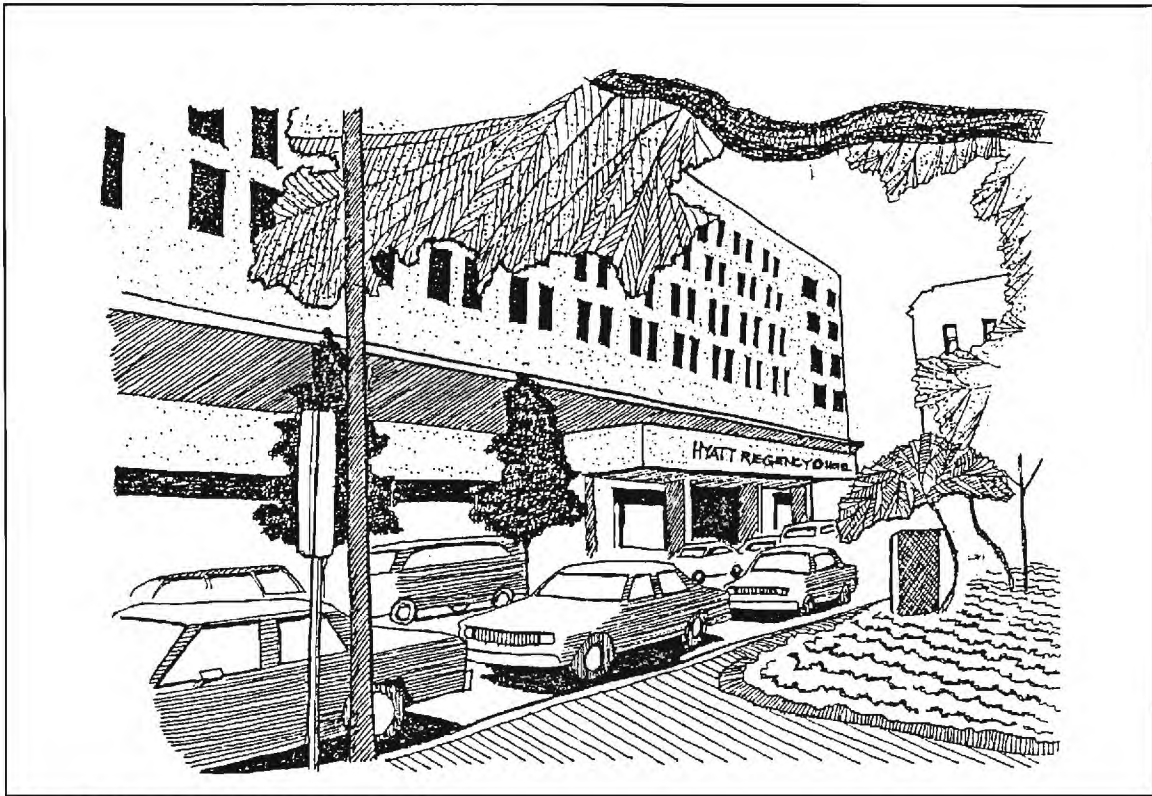


Figure 8. The Hyatt Regency

III. The Victorian District

In 1856, the Victorian District was created as Savannah's first streetcar suburb. Located directly south of the historic district, the Victorian District had a significantly different character than Old Savannah. As the first area developed on private lands, it contained no squares. Forsyth Park was extended into the district, and Dixon Park, a smaller park located at the southeast corner of the neighborhood, were provided. Furthermore, because the houses were located outside the city fire zone, wood frame houses were allowed. Construction is therefore primarily of wood, not brick.

The Victorian District contains 900 buildings on 182 acres. The area contains a wide array of architectural styles. These styles in part reflect the divergent groups

who lived there. Many residents had immigrated from France, Germany, Ireland and elsewhere. The styles range from early Greek Revival to later Queen Anne and Italianate designs. Many of the buildings combined several different styles. Development was compact. Many houses hosted up and down stair apartments, with small servant cottages located at the rear service lanes.

In 1950, the Victorian District was a diverse neighborhood of whites, blacks, and immigrants. Blocks, however, were not integrated. The 17% of the population that was black lived either in the land cottages or along blocks adjacent to East and West Broad Street. Boarders were very common, as were professional and working class residents. Many of the housing units were deteriorating, with 43% either dilapidated or lacking running water.¹³

By 1970, the resident population had shifted dramatically. Almost 90% of the residents were black, most were low-income and 35% were elderly. Over three-quarters of the white homeowners had left the neighborhood, leaving less than 15% of residential units occupied by owners. Thirty-seven percent of the existing housing stock, especially the servant cottages, had been demolished. At the same time, housing projects of the 1930s and 1940s, and a 1950 commercial urban renewal project, had increased its population and its density.

¹³Charles Thaddeus Crowe, *Savannah's Victorian District: A Ten Year Evaluation of Neighborhood Revitalization*, (Georgia Institute of Technology: Thesis for Masters in City Planning, March 1987).

Despite these many changes, by the early 1970s over half of the resident population had lived in the neighborhood for more than ten years.¹⁴ Problems were accelerating, as crime rates and overcrowding increased. Houses were extensively partitioned, with absentee landlords unwilling to repair properties.¹⁵ Over 55% of the population was below the poverty level and almost half of all families were headed by females.

In 1973, the Historic Savannah Foundation refocused some of its attention onto the Victorian District. An HSF survey of 361 buildings enabled the District to be placed on the National Register of Historic Places. As the availability of architecturally and historically significant houses in the national historic district diminished, homebuyers increasingly looked to the Victorian District. The 25% tax investment credits granted by the 1976 Tax Act and the Economic Recovery Act of 1981 made gentrification of the District an imminent threat to local residents.

Many residents of Savannah believed that the quality of the housing stock could be preserved without displacement of low-income residents. One such person was Mills Lane. Lane, a Savannah banker, purchased and restored 50 low-income units. Following restoration in the mid 1970s, he placed residents back in the units at pre-renovation rent levels.¹⁶

¹⁴City of Savannah surveys.

¹⁵"Victorian restoration: Savannah Seeks to Keep Poor in Renewed Area," *Atlanta Journal-Constitution*, September 4, 1977, Section A at 6.

¹⁶"The Private Revamping of Savannah," *Washington Post*, April 6, 1975 Section A at 3.

Many attempts to rehabilitate the rental stock failed, however. The Varnedoe Chisholm Skinner Real Estate Corporation and the Boston Financial Technological Group purchased options on 121 units. With the 1973 national moratorium on Section 221 and 236 subsidized housing programs, the venture was turned over to the Savannah Area Housing and Development Corporation (SHADCO), the development corporation associated with the Model Cities Program. SHADCO was also unable to develop an effective program before Model Cities' funding was cut.

The district, virtually unrestored and falling down, attracted the interest of a group of citizens who formed the Savannah Landmark Rehabilitation Project (SLRP). Organized in 1974 by Lee Adler, SLRP is a non-profit housing corporation headed by a culturally diverse board. The board consists of 25 members, including businessmen, ministers, social workers, architects and other civic and neighborhood leaders. Savannah Landmark seeks to rehabilitate existing buildings into safe, sanitary housing for the poor.

First, a broad spectrum of Savannah citizens formed a culturally diverse 25 member board. The National Endowment for the Arts-Architecture Section awarded Savannah Landmark a \$17,000 matching grant. The nucleus of a staff was employed. Options that had been taken out some years before by the Varnedoe Chisholm Skinner Real Estate Corporation were exercised. The Carver State Bank, a minority bank in Savannah located on the western fringe of the Victorian District, provided \$180,000 at prime interest to help the neighborhood and strengthen the bank's constituency.

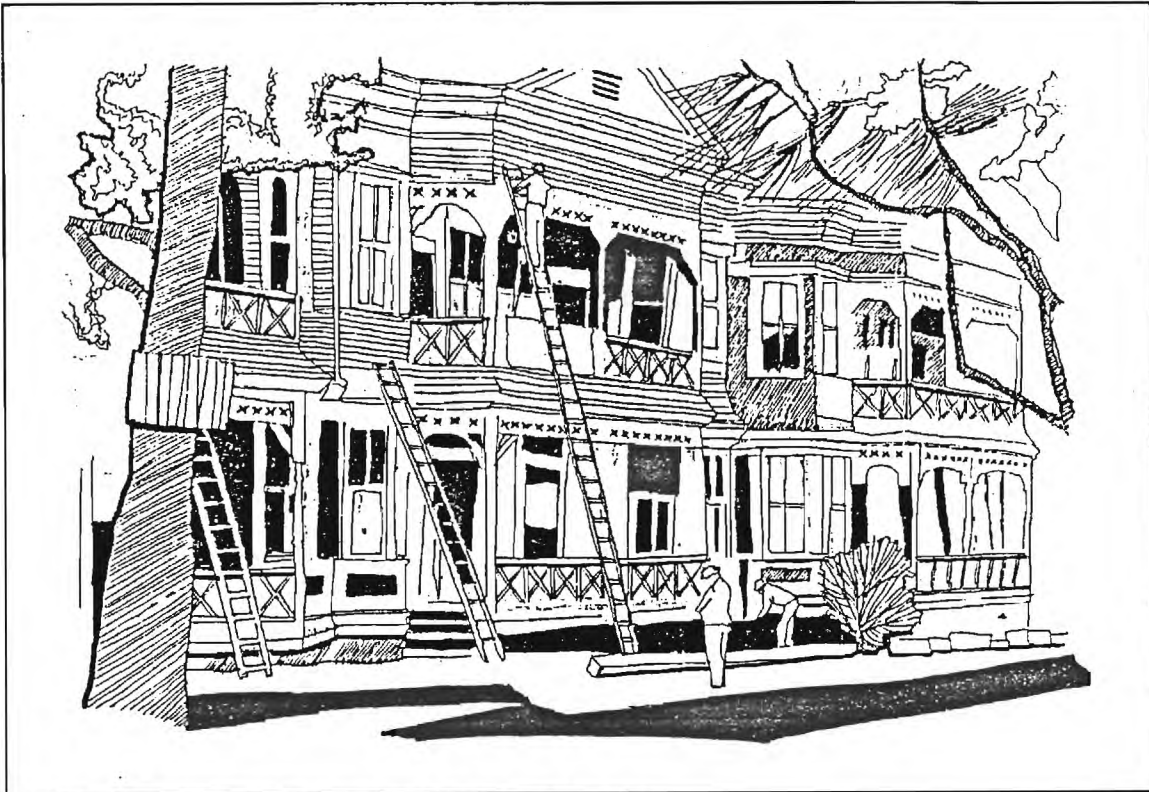


Figure 9. Renovation in the Victorian District

A demonstration project of three houses on Price Street was initiated. The 1200 square foot semi-detached buildings were located in an area eligible for 3% Section 312 HUD rehabilitation loans. Carver Bank lent the acquisition funds and the city awarded the project a \$100,000 CETA grant. Fourteen young men and women were employed. A contractor with 25 years experience supervised construction and taught the CETA workers the building trades, both on-the-job skills and at night school. Thus began Project SNAP--Savannah Neighborhood Action Plan.

Savannah Landmark, the National Endowment for the Arts, and the National Trust jointly sponsored a national conference on displacement. The Savannah Neighborhood Action Conference held in November 1977 was attended by 400 people

from 38 states. Participants included urban planner Edmund Bacon (who called it the most important conference he ever attended), columnist Neil Pearce, HUD officials, housing activists and planners. In workshops and seminars held in neighborhood schools and churches, the problems of displacement were analyzed.

HUD announced administrative help to Savannah Landmark with a \$160,000 18-month administrative project grant through the city to continue Savannah Landmark's work. The Carver State Bank was joined by a consortium of local banks. The monies enabled Savannah Landmark to purchase additional apartments. Savannah Landmark had become a management-construction/housing corporation, with the backing of the Mayor and Council of the City of Savannah, the Housing Authority of Savannah, the Savannah Branch of the NAACP, the Junior League of Savannah, Inc., Historic Savannah Foundations, Inc., Savannah's banks and other city-wide organizations.

In spite of this support, the residents of the Victorian District remained skeptical. A block party was held one Saturday noon. Five hundred people came, young and old. With \$100 of hotdogs and Kool-Aid being served up by board members, the participants had an opportunity to help select the paint colors for the first buildings.

The National Trust for Historic Preservation awarded Savannah Landmark a \$50,000 loan at low interest from its revolving fund. The Ford Foundation provided a grant and SNAP II was begun. Savannah Landmark negotiated the purchase of 261 apartments owned by one landlord. The Ford Foundation provided a loan of

\$750,000, with the city providing the remaining \$900,000 of the purchase price. The purchase was arranged.

In May of 1982, Cranston Mortgage & Equity Corporation of Ohio and Washington, D.C. and Savannah Landmark as co-partners joined in a for-profit partnership that led to the syndication of 233 apartments, including 44 newly constructed ones on vacant land in the Victorian District. The innovative project employed 200 CETA workers during the 18 month project, of which 65% were placed in paying, non-subsidized jobs. The limited partners received tax benefits, while management and ownership of the apartments remained in non-profit hands.

Throughout this period, the city continued to provide significant resources to the Victorian District. The city obtained an allocation of 500 Section 8 rental subsidy units from HUD and provided half of these to SLRP. The city also spent \$2.3 million in renovating Forsyth and Dixon parks, as well as sidewalk repair and replacement, tree planting and street improvements.¹⁷

In 1981, the city instituted the Victorian Planned Neighborhood Conservation District. Long supported by the Historic Savannah Foundation, the district was nonetheless controversial. Its purpose was to conserve the architectural and historic integrity of the district. The review procedure requires that the Metropolitan Planning Commission ensure that plans for alterations and new construction were compatible with design guidelines developed for the district. Originally, the review procedure was

¹⁷Beth Lattimore Reiter, Rita Jones, Leopold Adler II and Catherine Adler, *Preservation for People in Savannah: Savannah Landmark Rehabilitation Project*, November 1983 at 17.

opposed by both the planning director of the MPC and Savannah's city manager as being too cumbersome. When city council agreed to hire a MPC "Visual Compatibility Officer" with review and approval powers within the Victorian District, the MPC agreed to the legislation. Beth Lattimore Reiter, formerly of HSF and SLRP, became the first historic preservation review officer hired by the city.

Prior to receiving a building permit for construction, demolition, alterations, signs or material changes, the petitioner's plans must be reviewed and approved by the MPC Visual Compatibility Officer. Application is made to the Savannah Department of Inspections and forwarded to MPC's preservation planner. A recommendation for approval or denial is made to the Visual Compatibility Officer who has final responsibility for certifying the proposed actions. Applications for demolition and new construction are reviewed by the full Commission.

In November 1982, President Reagan and HUD Secretary Pierce gave Savannah Landmark a national recognition award for excellence. All told, the \$20,000,000 housing effort is the largest scattersite urban preservation project in the country that joins preservation with low-income people.

IV. Broughton Street

While residential development continues in the Victorian District, a new program of commercial revitalization has been initiated on Broughton Street, the city's primary retail street. Located in the heart of the Historic District, Broughton Street contains many architecturally outstanding buildings. Most of these buildings, however, have

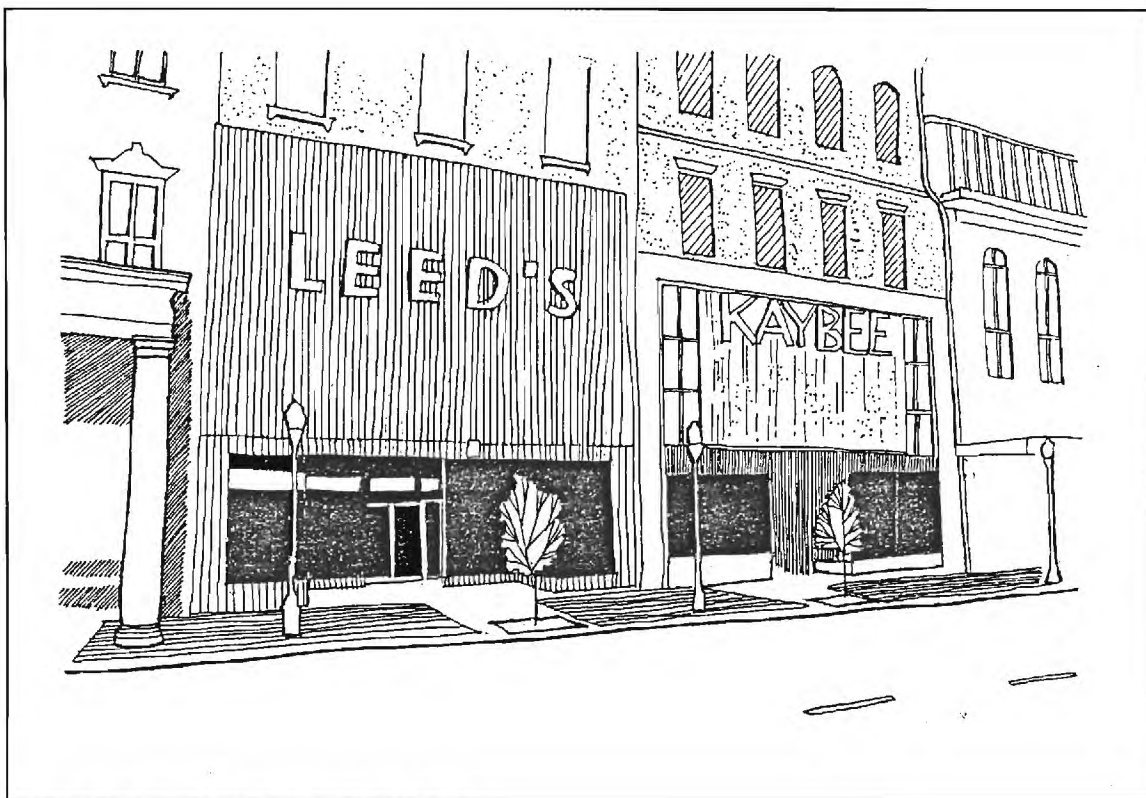


Figure 10. On Broughton Street

been renovated with false fronts that cover-up their quality. Many of the commercial buildings are unused. Some notable restorations have occurred on Broughton and Congress Streets, but much of Broughton Street today is deteriorating and neglected. A plan has been proposed which would restore existing buildings and return the street to retail, residential, entertainment and office uses. Restoration of the old street car system is also envisioned.

A city-commissioned study conducted by Urban Partners, E. L. Crowe and Strauss Greenberg, identifies 150 million dollars of retail potential within 4 miles of Broughton Street. Based on this assessment, a Broughton Street development partnership with city help will use the same principles that restored the old city, the

Victorian District and the riverfront: a strong city--private effort. The partnership optioned over 30 buildings on Broughton Street to assure tenants that the street would be restored.

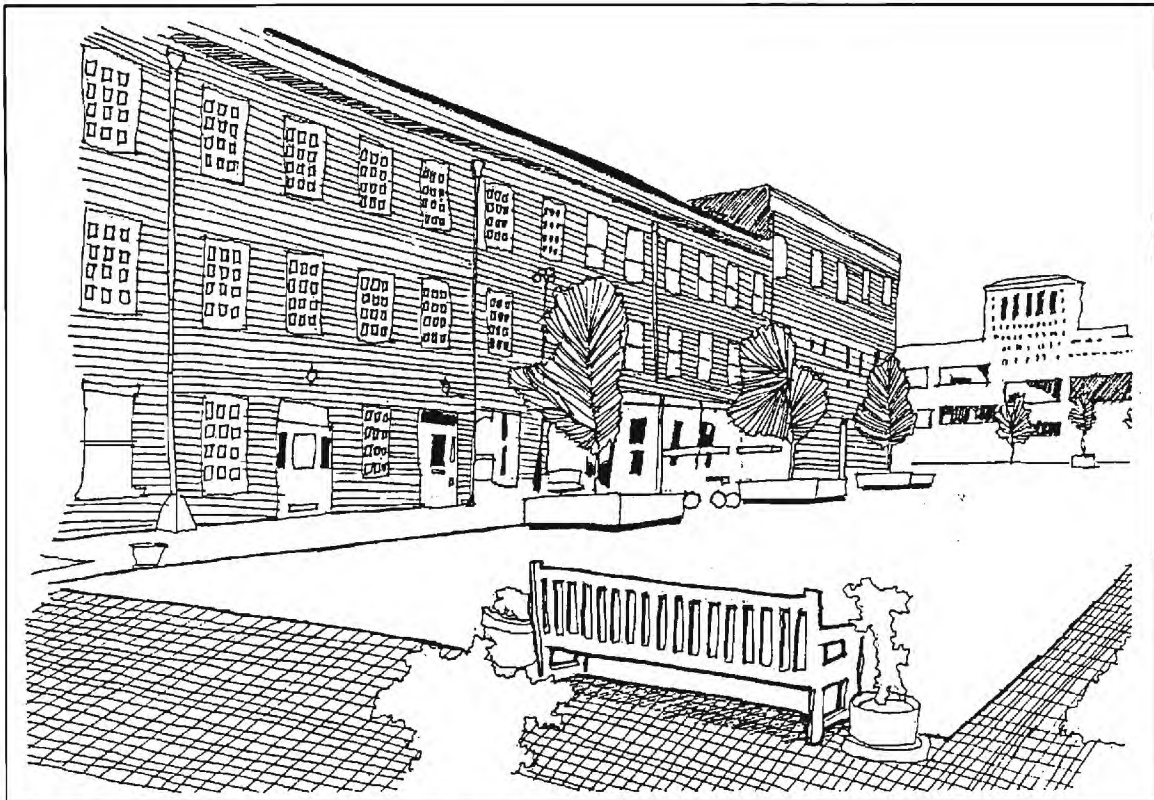


Figure 11. Commercial Revitalization

The project emphasizes the architecture that is behind the present fronts of the old buildings. Drawings showing the original architecture of the buildings were developed based on research at the Georgia Historical Society. The drawings showed widespread use of distinctive arches, fan windows, and architecturally significant styles from different eras. The Partnership's first project was a mixed use project -- 400,000 square feet; 150,000 square feet of office; 125,000 square feet of housing plus 125,000 square feet of retail and entertainment, all designed to reutilize the buildings

and to reinvigorate Broughton Street.

CHAPTER V

BALTIMORE: ELITE-CENTRALIZED

I. Historic Context

Baltimore is a port city built on transportation, commerce, industry, and immigration. Located 20 miles from the Chesapeake Bay and over 150 miles from the Atlantic Ocean, its inland location proved highly advantageous to its early development. Tapping a hinterland rich in forests, farms, pasturelands, water power, and coal, early residents of Baltimore built a city whose population was second only to New York.

The city was quick to adopt new forms of transportation technology. The city designed and built the famous "Clippers" which dominated much of sailboat-based commercial trade in the early 1800s. With the invention of the steam engine, the city quickly shifted to construction of steamboats. Baltimore also initiated construction of the 400 mile Baltimore & Ohio Railroad at a time when the longest railroad in the world was 14 miles long.

These technological advances enabled Baltimore to sustain its economic growth into the early twentieth century. This growth was reversed by the impact of the

Depression and by new technologies of transportation that emerged following World War II. With the emergence of truck hauling and other more flexible forms of general cargo hauling, the city lost much of its general cargo business. While remaining a dominant force in bulk cargo shipments, the loss of the more profitable general cargo business seriously altered both the economy of the city and the function of the port and railroads.

These changes in port activity were coincident with a major shift in demographics. As an immigrant city, Baltimore had a strong tradition of neighborhoods and housing development. Over 300 distinct neighborhoods can be identified, each with its own identity and frequently with its own culture and traditions. After a decade of economic stagnation during the 1930s, the city experienced very rapid growth in the early 1940s. As a major industrial and shipbuilding center, Baltimore required considerable labor to staff the defense industry during World War II. The resulting immigration of poor southern black workers into the city led to a condition of overcrowding in many neighborhoods. With the development of suburban communities following the war, middle class outmigration from the city fueled housing abandonment as owner occupied housing was sold to absentee landlords and eventually abandoned.

In turn, the rapid decline in housing quality fueled further declines in tax receipts, in downtown commerce and in general economic activity. The 1954 closing of O'Neill's Department Store, one of the city's largest, symbolized years of declining downtown retail sales. Only one major new office building had been constructed in

the downtown in 25 years, six major employers had recently moved out of the downtown, the vacancy rate was as high as 25 percent in some downtown blocks and property assessments were falling.¹

The city, then, entered the 1960s with a declining economy and severe fiscal constraints. The city was frequently perceived as a city without a future, a way station between New York and Washington. Seen from within this context, the plans and activities of the civic leaders demonstrated considerable vision and entrepreneurial spirit.

II. The Formative Years: The Downtown Plan

When in 1956, the city's planning director published a bold vision of Baltimore as "one of the most exciting cities in the world," a water oriented city similar to "Stockholm, Rio de Janeiro, Venice and Copenhagen,"² most residents were skeptical. Baltimore had become a city of dilapidated housing and deteriorating neighborhoods. Its downtown was losing its focus as a retail center. Its waterfront was crowded with vacant warehouses. The decline of the city's industrial, commercial and residential base was widely evident.

Yet within the city there were those who shared the aspirations expressed in the plan. The plan, while vague and futuristic, nonetheless envisioned a vibrant

¹Baltimore City Department of Planning, *The Baltimore Harbor*, (Baltimore: Report of the City Department of Planning, 1984, p. 80).

²Arthur McVoy, "Prospectus for Downtown Baltimore," *The Evening Sun*, July 16, 1956.

downtown linked to a revitalized waterfront. These aspirations were shared by members of both the Committee for Downtown and the Greater Baltimore Committee. The consequence of these overlapping interests was the formation of one of the strongest public-private joint ventures to be established in the United States at the time.

The Committee for Downtown was established in 1954. Under the leadership of Jefferson Miller, executive vice-president of The Hecht Co. and director of the Retail Merchants Association, downtown merchants initiated a study of how other cities were managing similar problems. The merchants, quickly realizing that they could not resolve the issues alone, linked with utilities, banks and other downtown property owners to form the Committee for Downtown. The expressed objective of the committee was to address issues of downtown revitalization.

One year later, 100 top executives of Baltimore's major corporations formed the Greater Baltimore Committee. While the overall focus of this organization was on metropolitan issues, the committee took a particularly active interest in downtown revitalization. In 1956, the Greater Baltimore Committee formed The Planning Council, a wholly owned subsidiary created to address issues of redevelopment. With \$150,000 contributed from the Committee for Downtown and additional \$75,000 from the Greater Baltimore Committee, The Planning Council initiated a comprehensive study designed to create a plan for revitalizing the downtown.

David Wallace, a young but well respected planner and architect from Philadelphia, was commissioned for the study. The team headed by Wallace

conducted five major studies: inventories of existing buildings and space use, surveys of business conditions and downtown transportation, and a forecast of central business district trends. The initial examination focused on 220 acres located in the center of downtown. From this analysis, Wallace felt certain that investor confidence would not improve unless "drastic action" was taken. The team proposed a single, dramatic project to anchor future downtown redevelopment.

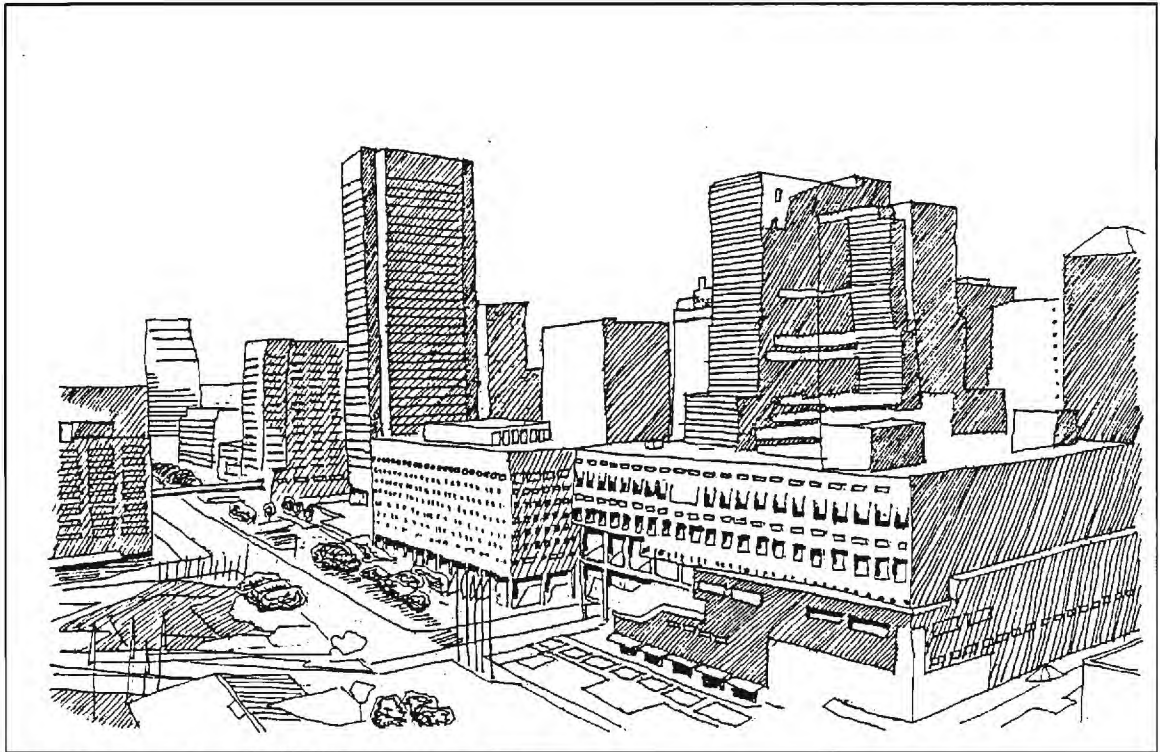


Figure 1. Charles Center and the Downtown

The project, known as Charles Center, called for complete redevelopment of 14 city blocks (33 acres) of downtown land. As a linear redevelopment on a north-south axis, Charles Center runs almost the full length of the downtown district. With the financial district to the east and the retail district to the west, the Charles Center project was designed to link the two districts to each other and to the waterfront.

The Wallace team presented its plan to Mayor Thomas D'Alesandro, Jr. in March 1958. The city received the plan with enthusiasm. After detailed review and feasibility studies by the Baltimore Urban Renewal and Housing Agency, the state legislature authorized and the city voters approved an urban renewal bond issue for the project. By March of 1959, the City Planning Commission, the Board of Estimate and the City Council had each officially adopted the project as a component of its urban renewal program.

The Charles Center plan's adoption created one of the nation's most vibrant public-private partnerships for its time. The partnership went far beyond a sense of shared objectives between city government and downtown business interests. To implement the project, the city and business community created the Charles Center Management Office in 1959. The office was run by J. Jefferson Miller, a retired department store executive, for the salary of \$1 per year. The office was a private nonprofit development corporation whose sole client was the city. Mr. Miller reported directly to the director of the Baltimore Urban Renewal and Housing Agency. By contracting with the office to implement the urban renewal plan, BURHA was able to link the flexibility of a private corporation with the unique resources of the public sector. The office was therefore able to draw on the city's tax-free bonding powers to raise capital and on powers of eminent domain to assemble land, while at the same time engaging in decision making that was more decisive than is typically found within the governmental bureaucracy.

The office was remarkably successful at persuading developers to invest in the project and to make commitments early. Much of the project was implemented in the 1960s and early 1970s. When fully developed in the mid-1980s, Charles Center had required \$165 million in private expenditures and \$40 million in public monies to become a reality.

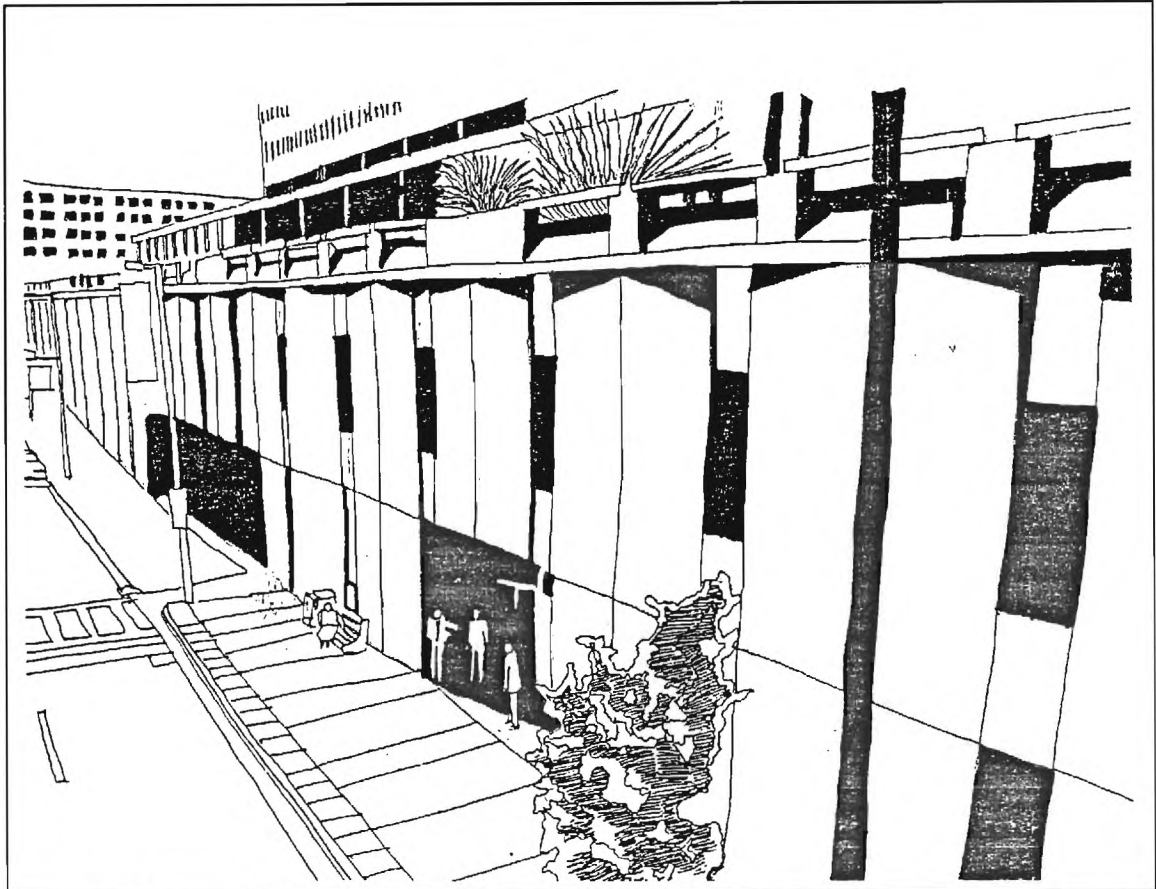


Figure 2. Charles Center at Lombard Street

While largely successful at accomplishing its intended goals of reinvigorating Baltimore's downtown, Charles Center was less successful as an urban design concept. The buildings, designed in the International Style are a sharp divergence from both the older, more traditional buildings and many of the buildings constructed

more recently in Baltimore. More problematically, the project is set dramatically apart from the city. Designed to provide a new order distinct from the old city, the project is not organized around the traditional city street grid system. Rather, it is organized internally around three plazas. The plazas created a backbone of open space around which development was organized. Considered the centerpiece of the new Charles Center plan, the open space was visualized as being intensely used, "in its own way, as concentrated as the City around it."³ The plazas were connected by means of an overhead walkway called a skywalk. The skywalk was elevated to separate pedestrians from vehicular traffic and to link the plazas.

In breaking with the traditional street system, the system of plazas and skywalk isolates internal pedestrian movement from that of the city streets and sidewalks. The shifting of pedestrian traffic onto a separate system reduced the intensity of pedestrian activity on the street level. More importantly, the location of internal plazas created multiple opportunities for buildings to locate entryways. Traditional street arrangements create a clear hierarchy of front entry doors and facades facing public streets and service entries facing back alleys. In Charles Center, the hierarchy has been reversed, with the internal plaza space serving as the focus of attention and the public streets serving back alley functions. As a result, many of the buildings also have their primary entries oriented internally onto plazas located above street level.

³Barbara Wilks, Mary Beth McDonnell, Sean Ludviksom and John Srygley, "Creating the Public Realm," AIA Urban Design Committee, June 8, 1988.

The effect on surrounding streets is dramatic. Buildings abut onto city streets with uninviting back service entries. The resulting edge is hard and frequently impenetrable. On Charles Street, the principle street upon which the project abuts, the impact is readily apparent. On the east side, a clearly defined street front links buildings of generally similar scale. The sidewalk is easily traversed. Entries to buildings, many of which serve pedestrian retail needs, are at street level.

In contrast, the Charles Center side provides little enjoyment and many obstacles to pedestrian movement. A series of parking ramps, large retaining walls and faceless buildings combine to isolate the pedestrian from the activity that occurs within the buildings and to place the pedestrian in direct conflict with vehicular traffic seeking entry to the project. Streets located within the project, such as Fayette Street, are specifically designed to exclude pedestrians. In adopting the design of the highway rather than the street, the architects forcibly separated the two functions of the street. No longer would streets provide a shared domain in which both vehicles and pedestrians coexisted, nor would they provide a symbolic "public" function in which pedestrians interact with a rich array of urban uses.

As a direct consequence of this attitude toward the street, Charles Center required the development of a separate pedestrian system. The skywalk was to be the new pedestrian bridge, a bridge designed to link the plazas by spanning over vehicular traffic. The skywalk has three impacts. First, by isolating skywalk pedestrian activity from the street, the skywalk weakens street level activity, especially along Howard Street. Second, unlike the grid street system, which provide multiple choices

to pedestrians, the skywalk is a linear path. By providing consistent movement only along a north-south axis, the walkway reduces the choices available to pedestrian travel and provides a more monotonous urban experience. Third, unlike a sidewalk which is clearly defined between the edge of buildings and streets, the skywalk has no such clear definition. The path is confusing and frequently unpleasant as it meanders through and around buildings and plazas. In recognition of some of these problems, those sections of the skywalk system that are redundant of the existing sidewalk system, particularly when they create deeply shaded areas below, are being removed.

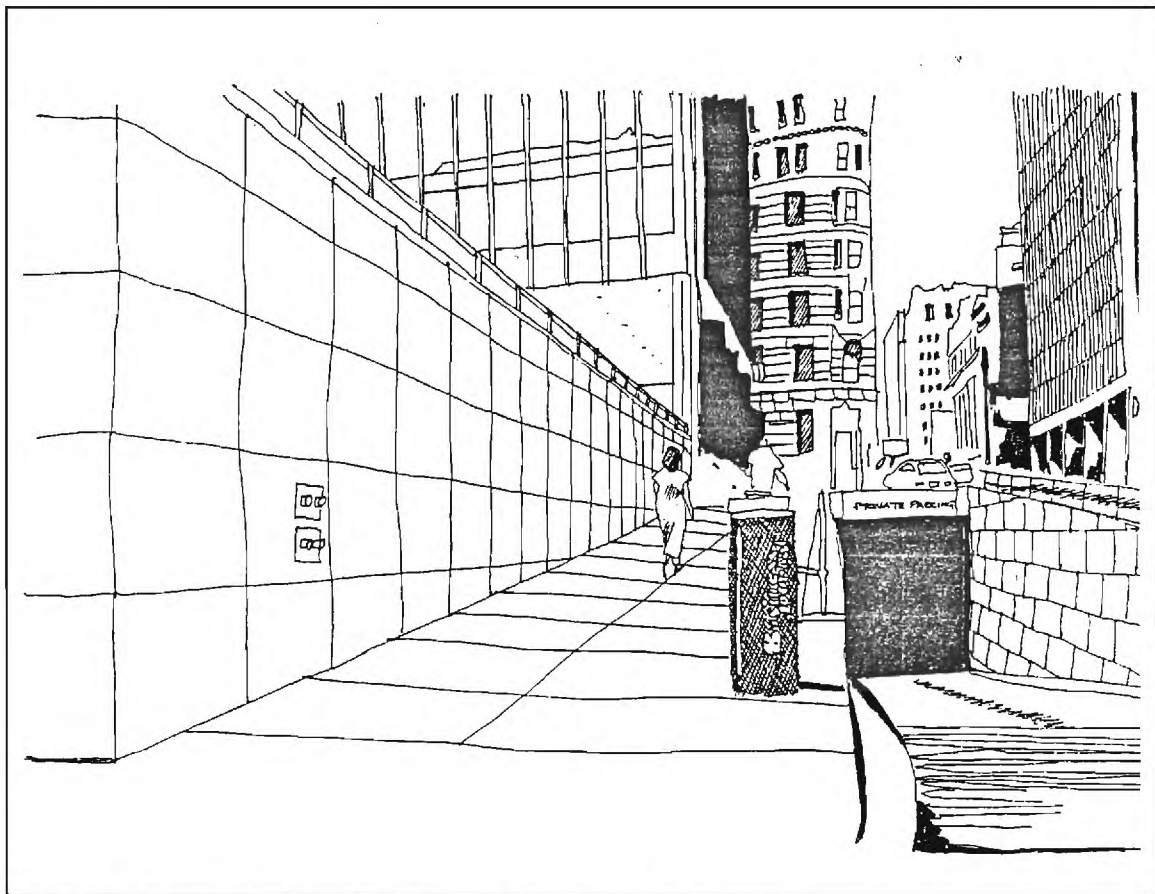


Figure 3. Conflicting Interaction Between Pedestrians and Vehicles

In addition to problems with its relationship to the downtown district, the internal public spaces leave much to be desired as well. The skywalk at times shares the problem of the city streets below as it runs along the uninviting backs or sides of buildings. Including Convention Center Plaza to which Charles Center abuts, the project is anchored by two large, monumentally designed plazas designed as stage fronts for the buildings they adjoin but providing little amenity to the pedestrian. Convention Center Plaza is a massive, raised platform which provides views of the Inner Harbor but little else. Center Plaza, enclosed in a ring of highrise office and apartment towers, provides a greater sense of enclosure. Its scale allows for its use in ethnic festivals and musical events, but remains largely empty during much of the year. Center Plaza is currently being rehabilitated to deal with some of its problems.

Two plazas are more successful. Charles Plaza was recently redeveloped to bring retail functions back onto Charles Street. Designed with outdoor seating to provide a marketplace atmosphere, the plaza is linked to small specialty shops, restaurants and a food court. Hopkins Plaza provides even more opportunity for public uses. The Plaza is a smooth stoned plaza with a large fountain, outdoor seating, and an edge used actively by restaurants located in several of the buildings adjoining it. It also affords some interesting views of downtown Baltimore. These strengths sustain the plaza despite its two major weaknesses:

- the overscaled design creates a weak center to the plaza, with the fountain being the only point of focus, and

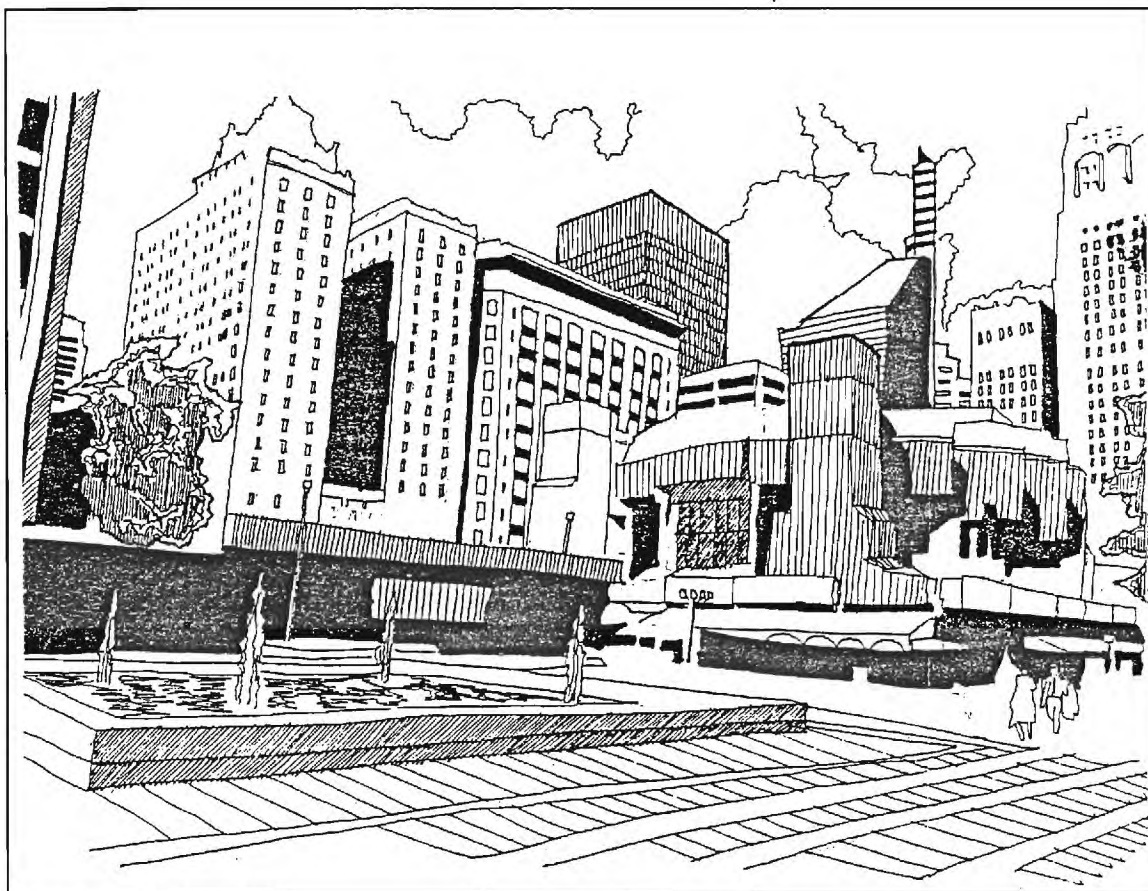


Figure 4. Hopkins Plaza

- the Federal Building, which dominates the southern edge of the plaza, consists of a massive set of stairs that cuts across the entire front of the building and thereby prevents any public uses of the edge.

Notwithstanding these problems, Hopkins Plaza remains the only plaza that allows for large scaled public interaction, and hence is used as a nucleus for fair weather outdoor entertainment.

Despite the inadequacy of the urban design, Charles Center nonetheless remains a highly successful venture. The speed at which the project was developed and its impact on the local economy changed the way in which Baltimoreans viewed their downtown. It was this change of view that enabled the principles of redevelop-

ment that had been used in Charles Center to be applied to the considerably larger Inner Harbor.

III. Development of a Political Culture

In his inaugural address of May, 1963, Mayor Theodore McKeldin, Jr., acclaimed the public-private partnership that had conceived and implemented the Charles Center plan. It was this partnership between the private interests (as represented by the Committee for Downtown and the Greater Baltimore Committee) and the public interests (as represented by the Department of Planning) that had enabled construction to advance as rapidly as it had. During his inaugural address, Mayor McKeldin also announced the redevelopment of the Inner Harbor. The project was to encompass considerably more land area and was to again build on partnership between public and private interests. In so proposing, Mayor McKeldin reaffirmed the compatibility of such a partnership with the long term development objectives of central Baltimore.

As the mayor of Baltimore, Theodore McKeldin was in a powerful position to commit the city to this partnership. Baltimore, with its strong mayor system of governance, empowers the mayor with considerable control over both line agency actions and the budgetary process. The city charter empowers budgetary decision making to a five member Board of Estimate. The mayor is authorized to appoint three of the Board members and traditionally appoints himself as one of those members. The City Council, with 18 members elected through district elections, represents the

divergent interests of their ethnically diverse constituencies. Within this context, the formal power of the mayor has been accentuated by traditionally strong executive leadership.

The urban design efforts of the mayor are channeled through two main governmental offices: the Department of Planning and the Baltimore Urban Renewal and Housing Agency. The Mayor's Office, through its physical development coordinator, uses both formal and informal powers to coordinate actions between public agencies such as these and private agents engaged in redevelopment activity. Over the years, development coordinators assigned to the Mayor's Office were typically given considerable access to the mayor and were broadly empowered to promote implementation of the mayor's redevelopment agenda.

In the early years of Baltimore's renaissance, the City Department of Planning was central to the redevelopment process. During the 1950s and 60s, the Department helped generate the vision necessary to initiate Charles Center and then worked closely with the Baltimore Urban Renewal and Housing Agency, the Committee for Downtown and the Greater Baltimore Committee to coordinate activities of the Charles Center Management Office. This cooperative relationship was explicitly praised by Mayor McKeldin in his inaugural address. Over the next five years, the public-private relationship was to strengthen considerably as both public and private agencies were reorganized to facilitate coordinated actions.

IV. The Inner Harbor

When Mayor McKeldin envisioned an "enthraling panorama of office buildings, parks, high-rise apartments and marinas" around the Inner Harbor, many found his vision hard to imagine. The long economic decline of Baltimore Harbor had been felt particularly strongly by the areas around the Inner Harbor.

Begun in 1729, the Inner Harbor had served as the central core to Baltimore Harbor since its inception. As the port grew to include 42 miles of shoreline, more modern and specialized facilities rendered the economic functions of the Inner Harbor obsolete. By the 1950s, rundown wharves and dilapidated markets and warehouses dominated the harbor's northern and southern shoreline, while high volume roadways, parking facilities and underutilized railroads dominated the western edge. A proposed superhighway was designed to cut along the base of Federal Hill (to the south of the harbor) and then bridge the harbor, effectively cutting the harbor off from the city. The water was polluted. With access restricted by roadways and industrial buildings and virtually no activity to attract residents to the water's edge, the harbor was effectively isolated from the city.

Thus, when Mayor McKeldin called for reuse of the land, few argued over the necessity for action. The task, however, was overwhelming. While the Charles Center project had involved 33 acres of redevelopment in the heart of downtown, the Inner Harbor project envisioned redevelopment of 240 acres of largely dilapidated and decaying industrial structures.

Notwithstanding its disadvantages, the Inner Harbor had several unique advantages as the site for redevelopment. With the decline of the steamboat and railroad shipping industries, large tracts of land were underutilized and available for redevelopment. The harbor basin was sufficiently small and well defined to form a nucleus for urban activity. With the shoreline enclosed by the city on three and a half sides and located immediately adjacent to downtown and Charles Center on the northwestern edge, the harbor offered considerable opportunity for providing a focus to future city development.

A. The Development of the Plan

In 1963, when Mayor McKeldin evoked the image of a revitalized waterfront, he was building on ideas generated by Arthur McVoy and others in the 1950s. More directly, he was also building on the already apparent success of the Charles Center project. The momentum for redevelopment generated by Charles Center created the impetus for both the Inner Harbor project and for the process used to manage the project.

Once again, The Planning Council was given the lead role in commissioning a study of the Inner Harbor. The Council again hired David Wallace's firm, Wallace-McHarg, to conduct the study. This time, however, the \$25,000 each provided by the Greater Baltimore Committee and the Committee for Downtown was matched with \$35,000 provided by the city. The partnership between public and private agencies in the redevelopment of Baltimore was becoming cemented.

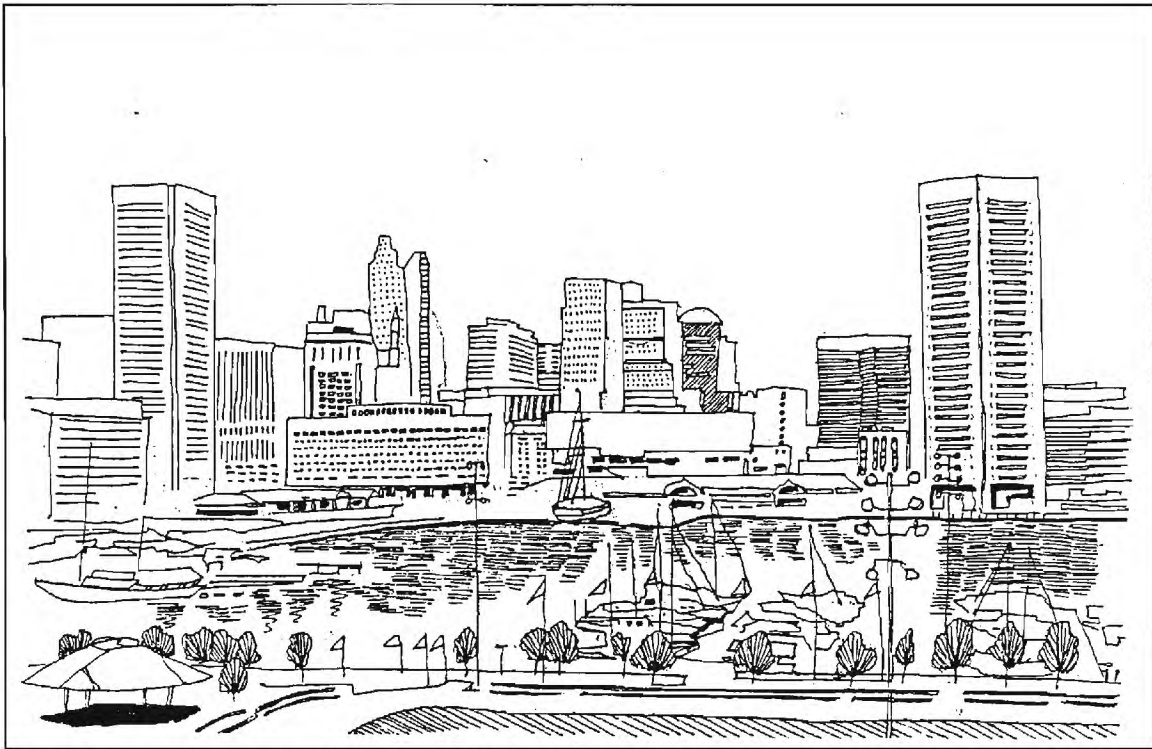


Figure 5. Inner Harbor's North Shore (1988 View)

In 1964, Wallace unveiled a 30-year redevelopment plan for the Inner Harbor. Covering 240 acres of land, the program called for \$260 million in investments for cultural, hotel, office, convention and residential facilities. While the city owned the 18-acre western shoreline, the program involved over 700 pieces of property. The problem of coordination would be massive.

The master plan did not attempt to strictly define land uses, but adopted a general redevelopment scheme within four broad programmatic objectives. The shoreline was to be transformed through construction of cultural and recreational facilities and public open space. Office, hotel and convention development would link the northwest corner of the harbor to Charles Center. Residential development, ranging from row houses to highrises, was to be constructed around the eastern

mouth and the western shore of the Inner Harbor. Finally, the north shore of the harbor was to be linked to a proposed municipal center through an 150 foot wide civic mall.

The development plan was phased. Phase I focused on the 95 acres adjacent to the waterfront. Public investments along the waterfront, including parks and recreational facilities, was designed to lure private investment into the downtown areas immediately adjacent to the waterfront. Phase II consisted of 68 acres to the west of the harbor. The redevelopment was to include a major convention center to the northwest and major commercial and residential development south of the convention center. In Phase III, the remaining acreage to the northeast of the harbor's channel was to be redeveloped for high density residential uses. Redevelopment of the municipal center to the north was to occur simultaneously with Phase I, while the Federal Hill residential area to the south was not linked to the master plan.

In the 1964 election, even before the plan was officially adopted, city voters immediately redefined the first phase by rejecting the \$4.5 million bond issue needed to construct the new government buildings while at the same time authorizing \$2 million in bonds to finance the first steps of Inner Harbor redevelopment. Plans were officially made public in 1965 and, following voter approval of \$12 million in additional funding in 1966, City Council and the Mayor officially approved the plan in 1967. One year later, the federal government provided \$22.4 million in urban renewal grants. With these funds, the city expanded the western edge by building new bulkheads and adding considerable landfill. At the same time, the city initiated the purchase and

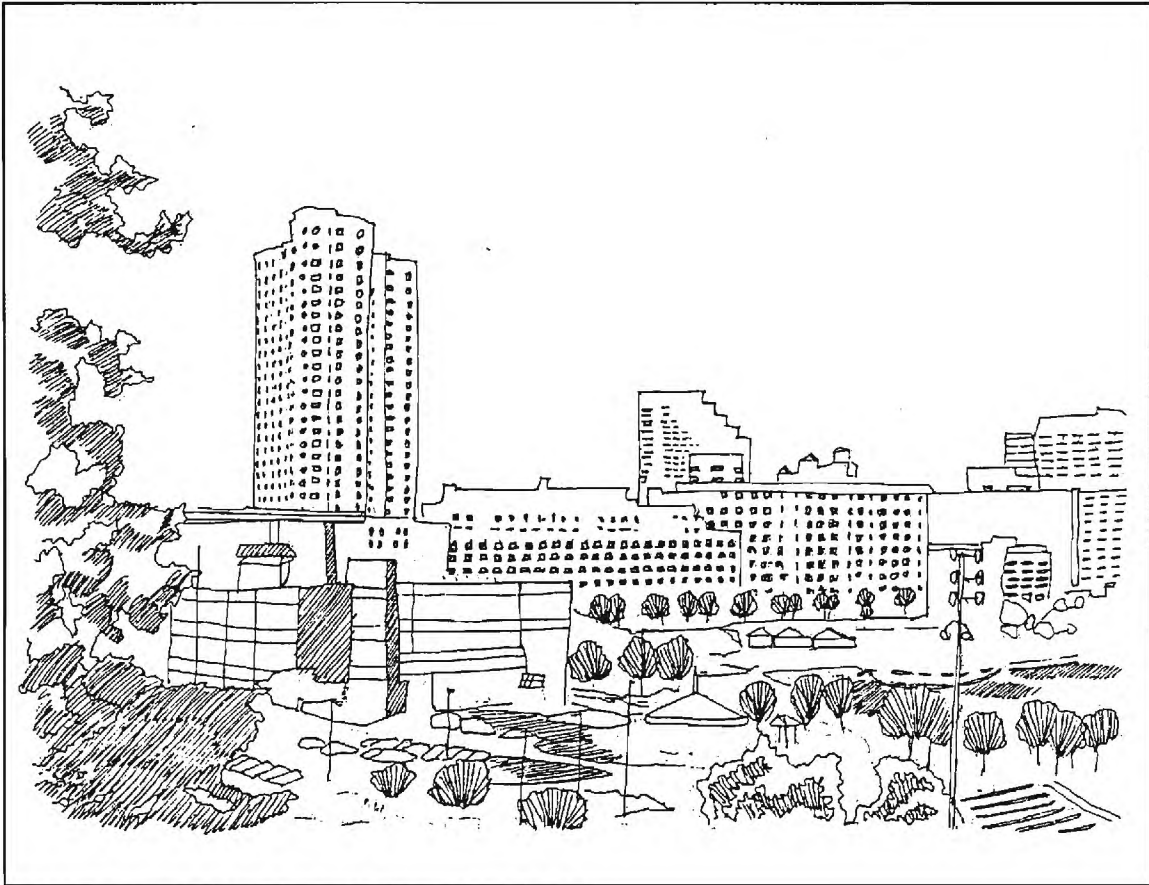


Figure 6. Inner Harbor's West Shore (1988 View)

clearance of old warehouse and industrial structures and construction of public improvements such as parks and promenades along the shoreline. Completion of Phase I would eventually require \$17 million in local public monies (including a \$5 million bond issue approved by the voters in 1982), \$35 million in federal monies and \$240 million in private and institutional investments.

B. Building the Institutional Capacity to Implement the Inner Harbor Initiative

The contribution of city funds to The Planning Council sponsored study of the waterfront was the first step in a long series of public and private institution building activities. The massive scale of the master plan program required the development of new institutional arrangements for implementing urban design and redevelopment ideas within the project area. In 1965, the first step in this process was initiated.

1. Charles Center-Inner Harbor Management Inc.

Recognizing that management of the project was likely to require specialized skills and powers, public and private interests transformed the Charles Center Management Office into Charles Center-Inner Harbor Management Inc. The company was incorporated as nonprofit, no-stock corporation. The city is the corporation's only client and provides its full operating budget (approximately \$850,000 per year). CC-IH was formally placed under the authority of first BURHA and, after city reorganization, latter placed under the Department of Housing and Community Development. The corporation serves under contract to the city to perform five primary functions:

- to coordinate planning and implementation of the Inner Harbor by various city agencies, to ensure the timely delivery of infrastructure and other public improvements,
- to recruit developers, to oversee the process of their selection and to ensure that developers provide for the timely delivery of private improvements as expounded in a development agreement,
- to negotiate with both the private developers and the city as to the respective project development initiatives to be conducted by the city and the private developer,
- to oversee the Otterbein Homesteading project, and

- to initiate studies and analyses as necessary to support the coordination, negotiation and supervision roles of CC-IH.

Thus, the CC-IH was to act as pointman between the city and private developers, ensuring that timely delivery of development from both. The city was to set policy and provide operating funds, while CC-IH was to use the flexibility inherent in a private corporation to facilitate business transactions.

The role of CC-IH expanded as private development in the Inner Harbor was being initiated. Problems with financing the large projects envisioned by the city required that the city play a more active role in development than originally intended. Baltimore, through the CC-IH, negotiated a number of joint venture partnerships with developers. Foregoing the usual techniques of tax abatements, CC-IH instead relied on financial tools such as land lease arrangements that saved the developer up front costs, subordinated ground rents which decrease the risk of default to private financial institutions and direct public financing where private financing is insufficient, as well as public improvements both off-site and on-site.⁴

The impact of CC-IH goes beyond the facilitation of project development in the Inner Harbor. CC-IH, while primarily an implementation agency, has played an active planning and design role in the area as well. At the policy level, CC-IH engaged in studies and recommends to the city changes in policy. Recommendations were made to the Department of Housing and Community Development who was responsible for

⁴article in *Urban Land*, at 148.

setting policy. Because the CC-IH has had very effective relationships with the mayors, its recommendations are considered seriously.

More directly, CC-IH was empowered to review the quality of urban and architectural design within the urban renewal area. The Architectural Review Board was created within the CC-IH to judge the quality of proposed projects. The Board consisted of prominent non-local architects, designers and planners. Development packages solicited and received by CC-IH based were reviewed by the board. All packages reviewed by the Board included designs and financial statements, but removed references to architects and developers. Such "blind" review was designed to promote objectivity in the review process, though on large-scale projects to ability to maintain anonymity is questionable. The process has been criticized by many local architects both because it excludes local architects from the process and because of a perceived bias toward nationally famous architects and developers. The quality of individual projects has also been the subject of considerable controversy.

The system created by CC-IH has worked remarkably well at facilitating development in the Inner Harbor. Including the original Charles Center Management Office, the system has provided a consistent link between the city and the development community that has spanned 30 years and five mayors. During the entire period, the CC-IH has retained public confidence in its professional approach to development. While controversy has existed over the design quality of some of the development and the influence of CC-IH over city policymaking, the CC-IH has enjoyed an extremely supportive relationship with City Hall. Not until many years after

the inception of CC-IH, when the corporation began working on the Harbor Keys project adjacent to the residential South Baltimore in the mid-1980s, was the relationship between CC-IH and the city policymaking process seriously questioned. The Board, on the other hand, generated considerably more controversy as individual projects of questionable merit were built around the harbor.

Much of the credit for the success lies with the leadership of CC-IH. Charles Center-Inner Harbor Management Inc. was initially chaired by J. Jefferson Miller. Martin Millsbaugh, a one-time Assistant Commissioner of the U.S. Urban Renewal Administration, served as President. A strong linkage between private and public interests was therefore reflected in the leadership of the organization itself. This linkage was strengthened in 1970 with the addition of Walter Sondheim as vice-chair. As both a prominent businessman and former chair of the Baltimore Urban Renewal and Housing Commission, Mr. Sondheim was well prepared for the role he was stepping into. In 1972, upon the death of Mr. Miller, he was elevated to the position of chair.

2. Restructuring City Government

During this same time period, Mayor McKeldin restructured the agencies most directly involved in the redevelopment process. After appointing David Barton as Chairperson of the City Planning Commission in 1968, Mayor McKeldin requested that the Department of Planning be restructured to facilitate management of planning issues facing the city. At the same time, the mayor unified all housing and community

development functions under the Department of Housing and Community Development. This agency, which combined the functions of both the Baltimore Urban Renewal and Housing Agency and the code enforcement functions of the Public Works Department, provided a single agency to direct the city's development activities.

DHCD is headed by a commissioner. The commissioner reports directly to the mayor, serves as executive director of the Housing Authority of Baltimore, sits on the Planning Commission in an *ex officio* capacity, and has direct responsibility for setting policy for CC-IH. Together with the mayor, the commissioner of DHCD shares considerable power over the public management of urban redevelopment efforts. The success of redevelopment efforts is therefore closely tied to the abilities and interests of the commissioner and the mayor. The first commissioner, Robert Embry, proved remarkably successful at building the strengths of his agency, linking the agency more closely to the neighborhoods, encouraging creative and technically competent staff work and obtaining federal grants.

Mayor McKeldin and his successor Mayor Schaefer, were equally essential to the success of redevelopment efforts. In addition to their support of the activities of DHCD and CC-IH, the mayors created the support necessary to initiate and implement the Inner Harbor initiatives. In particular, William Schaefer, elected in 1971 and remaining in office until the mid-1980s, has had a profound effect on the redevelopment process. Mayor Schaefer's intense commitment to the city was readily apparent. His style of governance, which involved immersion in the details of city governance

while at the same time encouraging new ideas and innovation, facilitated the rapid progress experienced in the Inner Harbor and elsewhere in the city.

C. Physical Redevelopment Process

Redevelopment of the Inner Harbor dramatically altered the physical environment and use of the harbor. Construction of an expanded shoreline bulkhead began in 1968. The purpose of the project was to return the shoreline to public uses. Landfill on the west side, in particular, provided space between Light Street (which had been widened to the water's edge in the 1950s to expand traffic capacity) and the water. Pier 1 on the northern shoreline was rebuilt in 1972 as a berth for the *U. S. Constellation*. The oldest fighting warship of the U. S. Navy, the ship was brought in as a sculptural symbol of Baltimore's shipbuilding days.

By 1975, a wide brick promenade was built around the north, west and southern shorelines. The promenade connected a series of public cultural and recreational facilities, including playing fields, parks and commons. Most of the land was left open, with minimal landscaping. As such, the harbor provided considerable flexibility in its use, with activities ranging from individuals walking to large groups celebrating in festivals. Public uses spilled out into the harbor. By the early 1980s, over 25 cultural and recreational attractions had been added. Some, such as the marina, piers, rental boats, water taxi and maritime museum, extended out into the water, thereby capturing the water for public uses.

As the public and recreational capacity of the waterfront expanded, the city engaged in a deliberate strategy of reintroducing local residents to the harbor. An intensive schedule of activities and free events was developed. In the early 1970s, the city developed "Sunny Sundays" by attracting a mix of flea markets and simple fairs coupled to free concerts and water events. The Baltimore City Fair was shifted to the water's edge in 1973. The event was begun in 1969 to celebrate the city's neighborhoods. Conducted around Labor Day weekend, over 2 million people now attend the Fair. As we shall discuss later, the Fair became so popular in the late 1970s that widespread community opposition developed when Harborplace, a specialty and food retail pavilion, was proposed for the waterfront area. Residents feared that the project would displace the Fair from the waterfront. This fear proved partly true, as the City Fair was relocated to Marketplace, the Pratt Street Boulevard and Piers 5 and 6 in 1981.

Other major events were further developed. The program of fairs has been expanded. In 1980, the city initiated a series of city-sponsored weekend ethnic festivals and activities. Between April and September, over 13 different ethnic neighborhoods each co-sponsor (with the city) their own festival. The 13 weekend International Festival therefore attracts intensive use throughout the summer months.

In 1976, the bicentennial celebrations were held. A special committee of city residents and local corporations was able to attract eight of the Tall Ships after their rendezvous in New York Harbor. This spectacle lasted 10 days, and attracted over

two and a half million visitors. While many of these visitors came from out-of-town, a significant contingent were attracted in from local suburbs. Thus was the refurbished Inner Harbor introduced to residents throughout the area. What had been a deteriorating industrial district had emerged as a regional recreation center.

In addition to public investments, the early 1970s saw the gradual emergence of new private developments. In 1972, Christ Lutheran's Harbor Apartments became the first building completed in the Inner Harbor. The building provided an important link between the waterfront urban renewal area and the Otterbein neighborhood to the west. This adjacency later proved important when in 1973, after collapse of a proposal by Japanese architect Kenzo Tange to redevelop the Otterbein district, the city developed programs for preserving the homes and rebuilding the residential area.

This success was followed in 1973 by the U.S.F. & G. home office building. One of Baltimore's tallest buildings, the building is surrounded by a concrete, raised plaza. Architecturally undistinguished, the building nonetheless provided an important anchor to development in the waterfront.

By the mid 1970s, a series of additional buildings were completed. Between 1975 and 1977, the IBM office, the Maryland Science Center, the Harbor Campus of the Community College of Baltimore, the C & P Telephone Co. and the World Trade Center were all completed.

I. M. Pei's World Trade Center illustrates some of the effort needed to implement these early projects. While scheduled to begin in 1966, the project was repeatedly delayed. With costs doubling and financing commitments being rescinded,

city officials finally obtained the necessary funds to finance the project from the state. The 30-story Trade Center, located directly on the waterfront, both dominates and provides sculptural interest to the harbor. On the top floor is located The Top of the World, located on the top floor, is operated by the Baltimore Office of Promotion and Tourism. Opened in 1979 as an observation deck, the floor ensures public access and allows for panoramic views of the harbor. The access brings residents into the building, while office workers from the building in turn intensifies activity on the promenade that adjoins the harbor.

Housing was also slowly being added to the renewal area. By the early 1980s, over a thousand units (including 250 luxury townhouses, 100 rehabilitated historic townhouses, 490 subsidized apartments for the elderly, and a 220-bed nursing home) were in place. Thus, by the late 1970s, the success of the Inner Harbor as an urban center and a gathering place for the region's residents was reasonably assured. What was not resolved, however, was the final form of the waterfront and how it would be used. Two development projects, Harborplace and the Convention Center facilities, were to test the implementation capacity of CC-IH and the city.

D. Harborplace

More than a decade after the Inner Harbor project was initiated, controversy erupted over its proposed uses. The original plan called for commercial uses along the western shore at Light Street. By 1977, as many of the initial projects reached fruition, conditions necessary for retail activity had improved significantly. A number

of merchants and restaurateurs located in areas adjacent to the harbor (Little Italy and South Baltimore) actively opposed commercial development based on fears of competition. Residents from these neighborhoods were also anxious to defend the harbor's open space from incursions.

The concerns of these two groups lay largely dormant until 1978. At that time, the Rouse Company proposed to construct a retail development at the corner of Light and Pratt Streets. To enable the project (called Harborplace), city council amended the urban renewal plan. The amendment expanded the originally designated commercial district to include part of the northern waterfront area along Pratt Street. The proposal and the amendment quickly galvanized opposition. A citywide coalition was formed. Called Citizens for the Preservation of Inner Harbor (CPIH), the group coordinated actions to protect open space along the harbor. The group was particularly effective at raising concerns amongst participants of the harbor's many festivals. Citizens, who had been greatly pleased by the construction of the first phase, feared that the waterfront would be privatized over time. They believed that commercial development could just as easily be accommodated away from the shoreline, and that the waterfront should be maintained as public land. The Black community, feeling that lower income residents would be excluded from the expensive shops proposed, joined the fray. Through the referendum process, the CPIH succeeded in placing the issue on the ballot for city-wide vote.

The debate over the future of the Inner Harbor intensified as the election approached. City Council, at the behest of the mayor, placed a countermeasure on

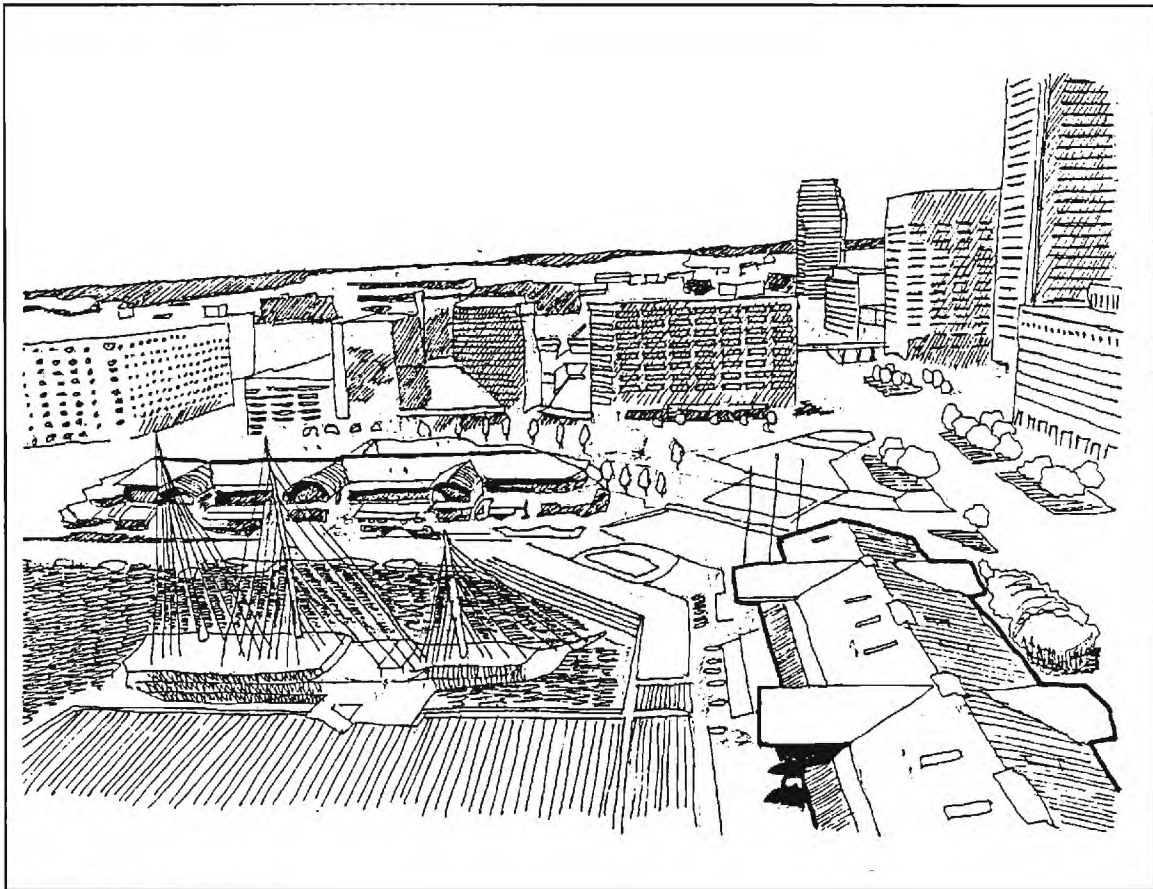


Figure 7. Harborplace

the ballot. The countermeasure enabled construction of the two pavilions while also ensuring that 26 acres around the Harbor basin would remain as park space forever. Rouse appealed directly to the Black community (which constituted half of the population) by pledging that Blacks would hold at least 25% of the construction jobs and that a special effort to train and include minority businesses in the retail pavilions would be developed for Harborplace. The countermeasure had the clear backing of business groups, the city and many civic organizations.

On November 14, 1978, the city passed the countermeasure with a vote of 54%. To a large extent, the measure passed because of the minority participation

program (Baltimore's first privately sponsored plan), the architect's careful attention to design and the potential tax benefits to the city. Final design of the buildings, together with a tight construction schedule, enabled the project to be opened on July 2, 1980, thereby attracting the summer crowds and building the credibility of the project.

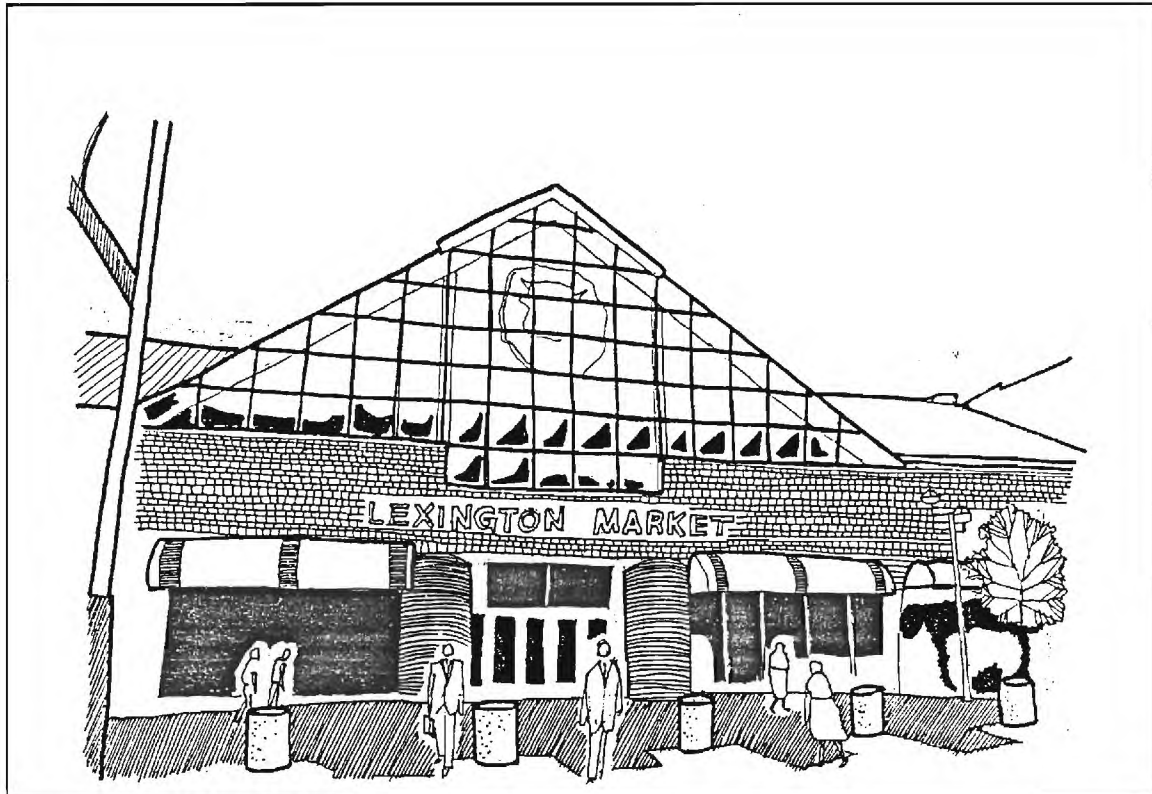


Figure 8. Lexington Market

As designed, Harborplace consists of two pavilions, separated by a 200 foot plaza/amphitheater. On a 3.2 acre site and containing a quarter of a million square feet in gross building area, the project cost \$20 million to complete. Given the high levels of public space created in the pavilions, only 60% of this building area was leasable. The architects, Benjamin Thompson & Associates, worked with the CC-IH,

the Department of Housing and Community Development and a citizen's group called the Mayor's Design Advisory Group.



Figure 9. Detail of Lexington Market

Both in form and in scale, the pavilions reflect the architecture of the wharf buildings that had previously existed on the site. Porticos, roof lines and flags contribute to the effect.

By splitting the project into two buildings, the design reduced the mass that would have existed in a single building and provided a visual and physical entryway to the waterfront from the downtown. Height of the buildings was restricted to two stories by the city, thereby ensuring that rooflines would not rise to the level of the *Constellation's* bowsprit.

The two pavilions each have a unique identity. The larger of the two buildings, located on Light Street, contains the Colonnade Market. Built on the image of Lexington Market (located west of downtown Baltimore), the Colonnade offers a wide variety of ethnic and traditional foods in combination with restaurants and fast-food

operations. The smaller pavilion contains specialty shops and more formal restaurants. On opening day, out of 140 businesses, 90% were locally owned.

Located on the corner of the harbor that lies closest to the downtown, the site maximizes interaction between the harbor and the city. The pavilions reflect this dual linkage by opening to both the waterfront and the city side. The city retains ownership of the land, with Rouse paying \$100,000 per year for land rent. The partnership arrangement also provides the city with 25% of cash generated after debt service. The enormous success has led to a substantial increase in the number of jobs offered.

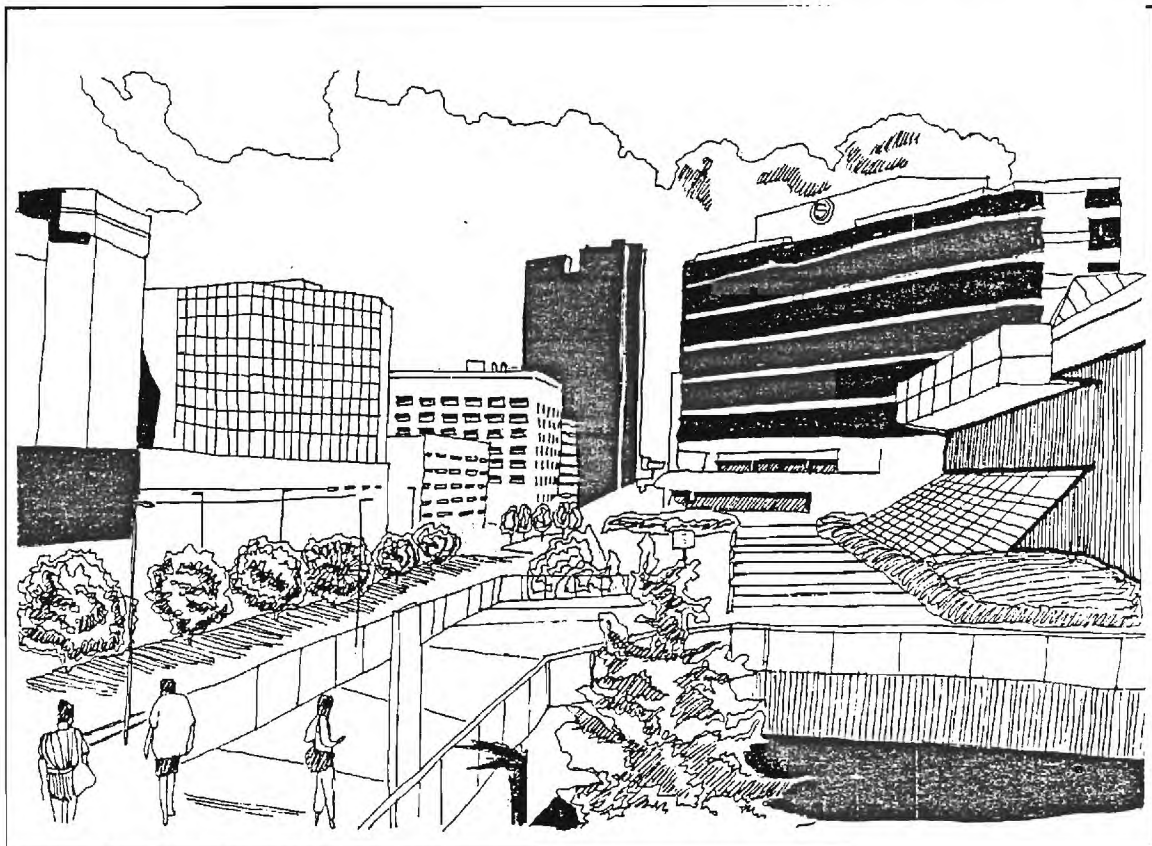


Figure 10. The Plaza at Harborplace

E. The Convention Center

The Baltimore Convention Center, completed in 1979, provides 110,000 square feet of exhibit space and 45,000 square feet of meeting space. Financed by a \$35 million state bond issue and \$10 million in city financing, the Center provides meeting space for national and international conventions.



Figure 11. The Convention Center

For the Convention Center to succeed, however, the city needed an adequate supply of hotel rooms in the immediate vicinity. After two hotel proposals failed to materialize, CC-IH entered into negotiations with Hyatt Corporation to construct a major hotel adjacent to both the Convention Center and the Inner Harbor. The deal

that developed demonstrates the intricacies of the relationship between the city (through CC-IH) and private corporations in their efforts to forge a partnership. To build a 500 room hotel in a still uncertain market, the financing package included the following:

- Equitable Insurance provided a \$20 million first mortgage at 10% interest plus a 1% kicker,
- the city provided a \$12 million second mortgage at 7% interest primarily through UDAG monies and built a \$4 million garage (to be repaid out of garage income), and
- Hyatt invested \$1 million in up-front capital and loaned the project \$3 million at prime rate plus 1%.⁵

Both the Hyatt and the city money were subordinated to the Equitable mortgage.

Hyatt manages the property under a 4% of gross revenue management fee, plus an incentive fee. The land is leased from the city for \$200,000 per year for 34 years and \$400,000 per year for another 20 years. The hotel pays full property taxes. The profit is divided one-third to Hyatt and two-thirds to the city. The hotel, opened in 1981, has proven to be one of the Hyatt's most successful hotels.

During the same year that the hotel was completed, the city also opened the Aquarium. Built entirely with city monies, the \$21.5 million building houses 5,000 specimens of aquatic and tropical life. The building was designed by Peter Chermayeff of the Cambridge Seven Associates, and provides a stunning addition to its setting. The Aquarium has been designated by Congress as the National

⁵Douglas Wrenn, *Urban Waterfront Development*, (Washington, D.C.: Urban Land Institute, 1983 at 151.

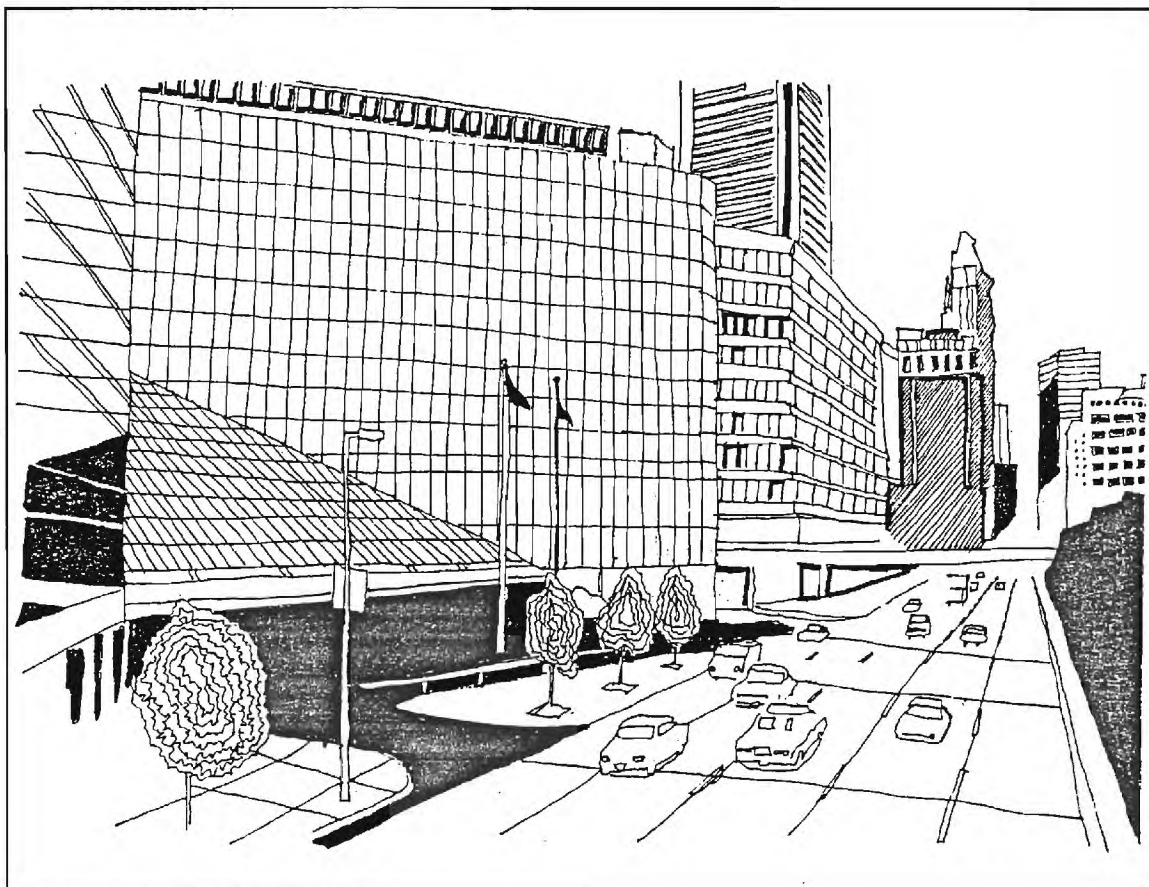


Figure 12. The Baltimore Hyatt

Aquarium, which has helped increase its visibility. In the first year after its opening, the Aquarium received 1.6 million visitors, a full million more than originally projected.

V. Key Highway Renewal

On March 12, 1986, the city of Baltimore embarked on a new effort to renew the waterfront. Directly adjacent to the southeastern terminus of the Inner Harbor Phase I urban renewal area, the Key Highway renewal area provided numerous opportunities for redevelopment. The Highway was to serve as a high capacity on-grade arterial linking I-95 and, via a proposed Harbor Tunnel, the entire Inner Harbor.

In conjunction with roadway improvements needed to handle the expected vehicular demand, several major redevelopment projects were also proposed.

In the tradition of Baltimore's approach to urban design and redevelopment, the city requested that Charles Center-Inner Harbor Management, Inc., in conjunction with the Neighborhood Housing Administration of the Baltimore Department of Housing and Community Development (NPA/DHCD), develop the plan for the area. As passed by City Council on March 12, 1986, the plan included the 42 acre former Bethlehem Steel Corporation ship building site, as well as approximately 20 additional acres in roadways and adjacent properties. The renewal area was located at the base of Federal Hill, a residential neighborhood located within the larger neighborhood of South Baltimore. The Bethlehem Steel site, located along the waterfront, was clearly the most desirable, and controversial, of the project sites located within the renewal area.

Unlike earlier renewal plans, the Key Highway plan sought to minimize public investments. Rather, it explicitly created a process of design review to which private development would be subjected. As a last resort, if private developers refused to develop in a manner consistent with the plan's objectives, the Neighborhood Progress Administration was empowered to enjoin construction and to acquire the land through eminent domain powers.⁶ The city, however, clearly sought to encourage and regulate new development without major commitments of public monies.

⁶Neighborhood Progress Administration and the Charles Center-Inner Harbor Management, Inc., "Key Highway Urban Renewal Plan," City of Baltimore Ordinance 622, March 12, 1986, p. 7-8.

To assure harmonious development and rehabilitation within the Key Highway project area, the urban renewal ordinance required the approval of all development plans for demolition, alteration and reconstruction within the area by the Neighborhood Progress Administration. Review of the plans was to focus on urban design standards, site planning, building heights, architectural treatment, materials, colors, landscape design, views, public and private access to the waterfront, location of uses and construction.⁷ The city had created a powerful tool for regulating development on a valuable and sensitive site located at the entrance to the Inner Harbor.

Unlike previous renewal plans, which had been generated largely upon the initiative of the business community, actions leading up to the development of the Key Highway renewal plan included a significant component of community involvement. While previous projects had focused largely on downtown sites, or residential areas that had experienced widespread abandonment, the Key Highway project abutted the Federal Hill and other South Baltimore neighborhoods. Fifteen thousand residents live in South Baltimore. In part because of the success of the Inner Harbor renewal, South Baltimore was experiencing a resurgence. Housing and commercial abandonment of the 1950s and 60s was being replaced with increasing demand for inner city housing locations. The neighborhoods located in South Baltimore were dynamic neighborhoods linked to the harbor both through proximity and employment. Political

⁷Neighborhood Progress Administration and the Charles Center-Inner Harbor Management, Inc., "Key Highway Urban Renewal Plan," City of Baltimore Ordinance 622, March 12, 1986, p. 6.

organizations, built around the ward system, empower neighborhoods with a potentially powerful voice.

In late 1984, Mayor Schaefer requested The South Baltimore Task Force review plans for Harbor Keys (a proposed development on the Bethlehem Steel site) and to develop a strategic plan for the management of the site. The Task Force, made up of neighborhood residents and community organizations, worked with the consulting assistance of American City Corporation, a subsidiary of the Rouse Company. The Task Force objected to the development of an exclusive high density, high income intensive use development that was isolated from the community. The Task Force was specifically concerned about the loss of industrial jobs along the waterfront, the potential for congestion, the impact of gentrification and blockage of visual or physical access to the waterfront.⁸

The Task Force recommended that it

propose and negotiate a proactive, on-going and cooperative relationship with the Harbor Keys developer and the City for a comprehensive planning and development process for the entire Key Highway area, including the Harbor Keys site.⁹

Substantive recommendations included:

- review of economic impacts of redevelopment and creation of an economic development strategy,

⁸The South Baltimore Task Force, "Proposed Strategic Plan: Harbor Keys and Key Highway Properties, Baltimore Maryland," Prepared for the Honorable William Donald Schaefer, Mayor, City of Baltimore, February 1985, pp. 1-8.

⁹The South Baltimore Task Force, "Proposed Strategic Plan: Harbor Keys and Key Highway Properties, Baltimore Maryland," Prepared for the Honorable William Donald Schaefer, Mayor, City of Baltimore, February 1985, p. 9.

- minimization of impact on property values and taxes to avoid real estate speculation and displacement,
- creation of a mixed use development with a variety of economic opportunities and a diversity of residents,
- public pedestrian access to the waterfront,
- design and development standards,
- integration of the project into the community, and
- comprehensive review.¹⁰

The Task Force also proposed a process for review of the proposal. The proposed process would

- officially designate a city task force (consisting of the representatives from the Mayor's Office, Neighborhood Progress Administration, Baltimore Economic Development Corporation, Charles Center-Inner Harbor Management, Inc., City Planning Department, the South Baltimore Task Force and Harbor Keys Joint Venture Developer Representatives) to oversee the planning and development of the project,
- designate the City Planning Agency as lead agency for coordinating City agency responsibility, preparing the plan and assisting the community,
- authorize additional funding to the South Baltimore Task Force for continuing consultant assistance, and
- establish a workplan for the process.¹¹

¹⁰The South Baltimore Task Force, "Proposed Strategic Plan: Harbor Keys and Key Highway Properties, Baltimore Maryland," Prepared for the Honorable William Donald Schaefer, Mayor, City of Baltimore, February 1985, pp. 14-16.

¹¹The South Baltimore Task Force, "Proposed Strategic Plan: Harbor Keys and Key Highway Properties, Baltimore Maryland," Prepared for the Honorable William Donald Schaefer, Mayor, City of Baltimore, February 1985, pp. 16-18.

While many of the specifics of the proposal were not enacted, the city's creation of an urban renewal plan was a specific response to many of the suggestions made.

Throughout 1986, the Harbor Keys partnership (Harborview Properties Development Company, headed by Richard Swirnow and Malcolm Berman) sought to obtain preliminary approval for a master plan. Despite continued attempts, the city blocked approval. After repeated failure, Malcolm Berman left the partnership. The development firm hired the urban design firm of Sasaki Associates to work more directly with the city and the community to develop an alternative plan. In October of 1987, after months of negotiation, the Neighborhood Progress Administration Commissioner Mirion Pines preliminarily approved the project.

The plan, while not meeting all of the concerns of the community, was considered a substantial improvement over earlier proposals. View corridors were opened significantly, massing of highrise buildings was reduced, the neighborhood street structure was incorporated into the project, and public access to the waterfront was improved. The South Baltimore Key Highway Task Force, the community group that met with the developer, gave tentative support to the preliminary approval while clearly stating their continued apprehension over several design considerations.¹² The Task Force, in conjunction with the South Baltimore Design Review Committee, specifically objected to problems associated with ground level use of the buildings, the

¹²"From Shipyard's ashes, vision for Harbor Keys rises," *The Baltimore Sun*, October 14, 1987, p. 1G and 7G.

location of open space several levels above ground, massing and definitions of space within the project.¹³

After additional redesign, the Department of Planning recommended approval of the Final Subdivision and Development Plan for Harborview's project on December 3, 1987.

Throughout this process, the relationship between the city and the developer was increasingly defined by the Neighborhood Progress Administration and the Department of Housing and Community Development. The traditional dominant role of Charles Center-Inner Harbor Management was substantially undercut by the more complex political environment that was emerging around the Harbor Keys project. With the project located adjacent to a politically organized neighborhood, CC-IH was required to work substantially more directly with citizen groups who objected not only to aspects of the project, but to CC-IH's traditional freedom of decision making. In addition, when Mayor Schaefer left office to run for governor, CC-IH lost a powerful ally. Mayor Clarence "Du" Burns, his successor, lacked the political clout to ensure implementation. Finally, with the election of Kurt Schmoke to office, the access and power afforded to CC-IH was altered significantly. In June of 1988, Mayor Schmoke specifically authorized Dr. Bob Hearn, director of the Department of Housing and Community Development, to oversee the development project and to coordinate all

¹³Letter to Marian Pines, Director of Neighborhood Progress Administration, from Susan Arrington, Chair of the South Baltimore Design Review Committee, dated October 6, 1987.

CHAPTER VI

BOSTON: THE TENSIONS ILLUSTRATED

Major urban design decisions alter the distribution of goods and services in society, and hence create controversy. Until recently, planners and designers engaged in the practice of urban design focused their skills almost exclusively on plan preparation and technical analysis, leaving implementation and conflict management to political and judicial decision makers. This approach to urban design has serious deficiencies. Most importantly, traditional approaches frequently promote adversarial relations which cripple the urban design process. The result is unnecessary in many disputes, for cooperation and joint problem solving could prove more beneficial to all disputants.

This chapter argues that effective urban design implementation frequently requires architects and planners to work explicitly at resolving conflict generated by their activities. In this context, the skills of consensus building, negotiation, and mediation are essential.

I. Implementation in Urban Design

Successful urban design implementation depends on the ability of design proponents to deal effectively with fundamental sources of disagreement. These sources include not only the substantive issues at hand, but also more fundamental disagreements over the management of uncertainty, decision making procedures and basic social structures.

The comprehensive model of urban design works best when people share a common viewpoint and similar values. Throughout most of this century and in most communities of the nation, residents and public officials promoted the benefits of urban development. Urban expansion and infrastructure development were widely hailed marks of progress. Using their skills of analysis and design, architects and planners helped improve economic efficiency, rationalize land use, and protect community interests in the development process. In this context of shared values, architects and planners involved in urban design were widely regarded as applying their skills objectively towards the betterment of the community.

This commonly held view of the public interest has changed substantially in recent years. Development is no longer held in such universal esteem. Competing goals have come to the forefront of urban design practice. In this context of competing interests, traditional approaches to design implementation frequently promote adversarial relations where cooperation and joint problem solving would be more beneficial.

Traditional approaches to managing conflict within urban design implementation have proved unable to cope with the rapid rise in development disputes for several reasons. Ours is a pluralistic society that does not condone the raw use of power. Government regulations and systems of judicial review have been established to curb past injustices associated with abuse of power. As a consequence, many avenues for ensuring procedural justice are available to citizen and business interests alike. Litigation, however, does not provide a forum for resolving differences over the substance of disputes, but rather focuses controversies narrowly on issues of legal procedures. In this system, adversarial relations are promoted, and compromise inhibited. Moreover, the frequent use of the courts to resolve conflict have overburdened the judicial system, causing major delays in decision making and hence increasing the costs associated with implementation of planning decisions.¹

Since the mid-1970s, urban designers have increasingly come to act as brokers and mediators in political conflict.² This evolving role seeks to resolve procedural, substantive, and uncertainty-based conflict and to moderate structural conflict through dispute management processes. These processes are designed to promote rational

¹Julia Wondolleck (1985). "The Importance of Process in Resolving Environmental Disputes," Paper Presented at the Conference on "Emerging Issues in Environmental Analysis and Planning," Cincinnati, Ohio, April 12.

Michael O'Hare, Lawrence Bacow, and Debra Sanderson (1983). Facility Siting and Public Opposition. (New York: Van Nostrand Reinhold Company).

²Lawrence Susskind and Connie Ozawa (1984). "Mediated Negotiation in the Public Sector: The Planner as Mediator," Journal of Planning Education and Research, 4(1): 5 - 15.

problem solving through the mobilization and involvement of many interest groups within the structure of a neutral, facilitated negotiation. As such they are procedurally rational instead of analytically rational, and while they are incremental in their problem solving, they seek to solve the conflict at hand in as comprehensive a manner as is feasible.

The characteristics of planning controversy, problems with traditional approaches to planning, and the effectiveness of conflict resolution are well demonstrated in two cases. The cases have much in common: both involved a significant controversy over large-scale development projects proposed for downtown Boston and adjacent to inner city residential neighborhoods. Located within a mile of each other, both were proposed in the early to mid-1970s and included plans for a major hotel and extensive office and commercial space. In the case of the Park Plaza redevelopment project, two planning agencies -- the Boston Redevelopment Agency and the Massachusetts Department of Community Affairs -- each supported different sides of the controversy. The two agencies took strong positions based on the analysis of their planners, but very much tied to their different perspectives. Neither made a significant effort to resolve the controversy and in the end, neither agency achieved what it sought. In the case of the Copley Place proposal, on the other hand, the Office of State Planning had a major commitment to resolving the conflict through facilitated negotiations involving citizens and the developer. The planners clearly sought to develop a mutually acceptable solution, and achieved that result.

II. Conflict Management in Planning Controversies: Two Case Studies

A. Park Plaza: Controversy Without Resolution

The Park Square district was ripe for redevelopment.³ In the early 1970s, the district contained predominantly small buildings on narrow, winding streets. The area was largely underutilized. Located precisely between the two primary centers of growth in downtown Boston and adjacent to Boston's two large downtown parks, it offered opportunities for much more intensive use. Private developers, however, had been unable to assemble economically feasible parcels out of the crazy quilt of small lots and streets.

As part of its redevelopment planning, the Boston Redevelopment Authority (BRA) designated the district as the Park Plaza urban renewal area. The BRA awarded development rights to Boston Urban Associates (BUA) based on a competitive review process. The Plaza was to be developed in two stages, with the most lucrative location being fully developed before construction of the more difficult parcels began. The first phase called for a \$260 million mixed-use development consisting of 1,400 luxury apartments, a 1,000 room convention hotel, and 1.5 million square feet of retail and commercial office space located in a 50-story tower. The project would add 150 residential units for the elderly if public subsidies became available. No plans were submitted for the development of second stage parcels.

³Colin Diver (1975). "Park Plaza, Cases A, B, and C." (Boston: Intercollegiate Case Clearing House, Boston University).

During public hearings for the project, opponents raised a number of substantive concerns. Current residents and tenants would be displaced with little hope of finding similarly affordable accommodations. In addition, the project had three troubling uncertainties: (1) the eventual development of Phase II parcels, which included the most dilapidated sites, was highly unlikely without more concrete upfront commitments from BUA; (2) the financial plan for the project was weak, and the track record of the development firm unproven; and (3) the environmental impacts of the low- and high-rise buildings could damage the Public Garden and Boston Common.

In December of 1971, after a number of stormy hearings, the City Council approved the plan with few revisions. By state law, the plan had to be further approved by the Massachusetts Department of Community Affairs (DCA). The Urban Renewal Bureau of the DCA found the plan significantly wanting. Most importantly, the Bureau planners seriously questioned the completeness of the redevelopment plan. Phase II contained most of the sites considered by the Bureau to be sufficiently blighted to warrant urban renewal, but no reassurances existed that they would eventually be redeveloped. The staff also disputed the financial soundness of the plan. The Boston Redevelopment Authority could not dispel these reservations. Consequently, in early June the Commissioner of DCA disapproved the plan.

Within days, the outpouring of support for the project escalated the seriousness of the controversy. Spearheaded by the Mayor of Boston and with the support of all three city newspapers, the State Legislature moved to eliminate the requirement of DCA approval. The business community was in vocal support of the project. An

estimated 20,000 construction workers demonstrated in its favor. Negotiations over the plan led to some revisions, but in February of 1973 the city's resubmittal was again disapproved. The project was eventually approved by the state only after the Commissioner of the DCA resigned in protest.

With state approval in hand, however, opposition to the project became increasingly organized. Tenants and owners in the project area joined with environmental and civic groups to appeal the plan approval to the courts. Based on procedural inadequacies in the urban renewal planning and in the environmental impact assessment process, the courts blocked construction of the project. Not until the mid 1980s, after substantial changes and many years of conflict, was the project built.

While planning for Park Plaza clearly has many unique features, it underscores the basic dilemmas of conflict in planning. In this and many similar cases, traditional planning, political, and judicial processes for decision making failed to effectively resolve conflict. In the next case study, we examine an alternative approach to planning which explicitly seeks to resolve conflict through facilitated negotiations.

B. Copley Place: Conflict Resolved

Copley Place was a large scale mixed-use development proposed for the city of Boston.⁴ Unlike Park Plaza, however, the project went from proposal to initial

⁴Rob Hollister and Tunney Lee (1979). Development Politics: Private Development and the Public Interest. (Washington, D.C.: Council of State Planning Agencies).

construction in under four years. Built in air rights above the Massachusetts Turnpike, the project incorporated many recommendations proposed by a citizens' review committee convened to advise the state. In large part, this process, used to resolve conflict amongst the myriad of competing parties, was responsible for the rapid progress.

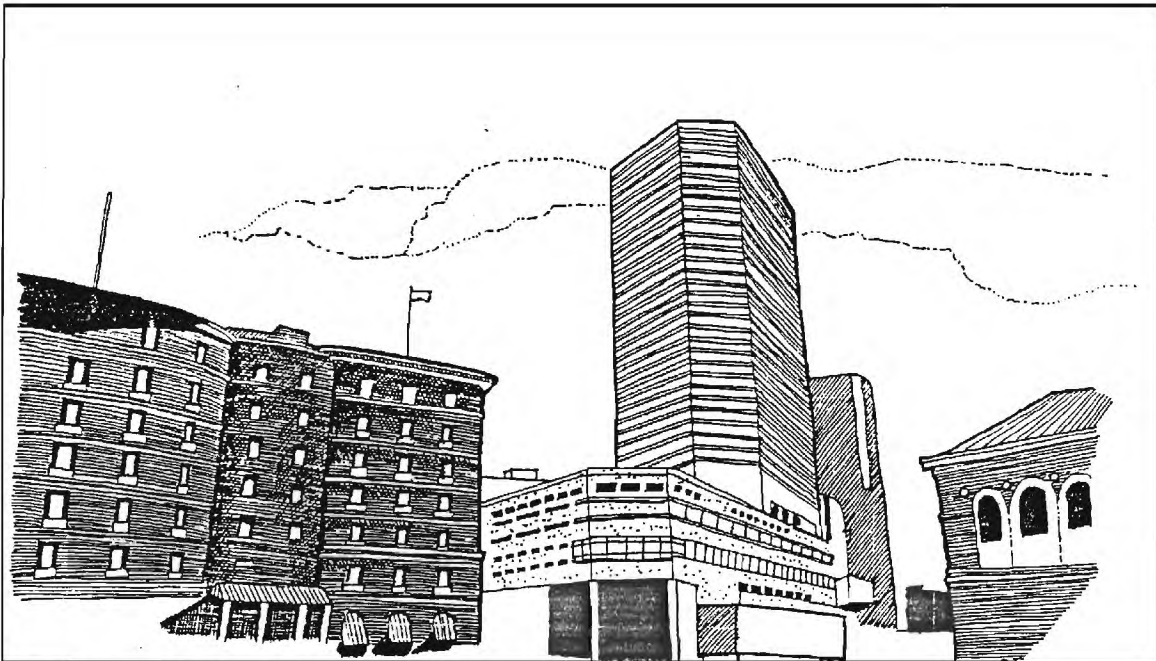


Figure 1. Copley Place, viewed from Copley Square

Copley Place is located adjacent to major commercial and retail development in the center of Boston. The site offered some very attractive advantages to developers: a 9.5 acre parcel with easy access from affluent local and suburban communities and requiring no displacement of tenants and no land assembly. At the same time, the site had a number of distinct problems: the air rights construction over

— Alexandra Schweitzer (1983). "Citizen Participation at Copley Place."
(Boston: John F. Kennedy School of Government Teaching Case Series).

a major turnpike, between wealthy Back Bay and a diverse but generally poor South End, required difficult and expensive design solutions.

Early in 1977, the Urban Investment and Development Company (UIDC) approached the Massachusetts Turnpike Authority (MTA) with a proposal that included an 800-room luxury hotel, two department stores, over 100 shops and restaurants located in a central mall, and over half a million square feet of office space. The developer had substantial financial support and a proven track record of large scale development. The state decided to forego competitive bidding and to assign development rights to UIDC subject to an extensive citizen review process. The choice to initiate the review process was closely tied to the continuing conflict over Park Plaza, and was designed to give citizens a vehicle for constructive involvement to resolve differences early in the planning process.

The Citizen Review Committee was organized by the Office of State Planning (OSP) in June of 1977 and submitted recommendations by September. The Committee was open to any resident or public interest group with a stake in the outcome of the proposal. Over 50 civic and political leaders representing constituencies with widely varying stakes participated in 11 planning meetings and numerous other working sessions to hammer out agreement on recommendations. Included were the Council of Building Trades, the Chamber of Commerce, residential groups, city and state agencies, and public interest groups. The CRC process also actively involved UIDC and the state and city agencies responsible for implementation of CRC guidelines.

The participants met to seek agreement on specific requirements to be included in the Copley Place air rights lease. The range of opinions was wide. Most vehemently opposed was the Tent City Task Force: a decade-old group of South End political activists that believed that Copley Place would contribute to displacement of low- and moderate-income residents by attracting upper middle income households into the neighborhood. Major support came from the building trades. Several resident organizations (composed largely of upper middle class professionals) and local business associations were skeptical but open to discussion.

The CRC process was designed with three major objectives in mind: to substantially increase the level of shared knowledge about the project among participants in the CRC, to make community concerns explicit as quickly as possible, and to provide constructive input into the design of Copley Place through recommendations based on the consensus of the Committee. The process involved consensus-building and negotiation among citizen groups and between these groups, UIDC, and state representatives. The process emphasized workshops and numerous informal meetings. Unlike public hearings, these meetings were designed to be interactive, to facilitate dialogue, and to develop recommendations through that dialogue. Early workshops provided basic information and helped articulate the concerns of the various participants. Technical support was provided by state planners and hired consultants. Later workshops formulated demands and developed guidelines to be presented to the state.

In September, the CRC submitted guidelines that set general development standards for all major aspects of the project, including amelioration of environmental impacts, design criteria governing architectural improvements, pedestrians and automobile access, staging of development, minority hiring, neighborhood shopping services, parking, and inclusion of low-income housing. For nine months, redesign of the project proceeded amidst negotiations between UIDC and the Office of State Planning. Implementation of the CRC guidelines depended on how effectively the OSP pressed for inclusion, since the guidelines were only advisory to the state planning agency. In light of the OSP commitment to the CRC process, however, the redesign largely reflected the guidelines established. After CRC review and further examination of outstanding issues, the UIDC and the state signed the lease on December 15, 1978.

While opposition to aspects of the project persisted, the review process had secured broad community support for Copley Place. In sharp contrast to Park Plaza, the project proceeded on schedule without significant challenge. While the issues that divided proponents from opponents were equally large, the CRC process had brought on two significant changes that promoted community support. First, the process dealt explicitly with all sources of community opposition. Structural, procedural, substantive, and uncertainty concerns were raised within a framework of mutual problem solving. While not all concerns were met, many were incorporated into the final guidelines. Second, the Copley Place lease agreement incorporated most of the guidelines, and hence decision making was perceived by most participants of the process to be fair.

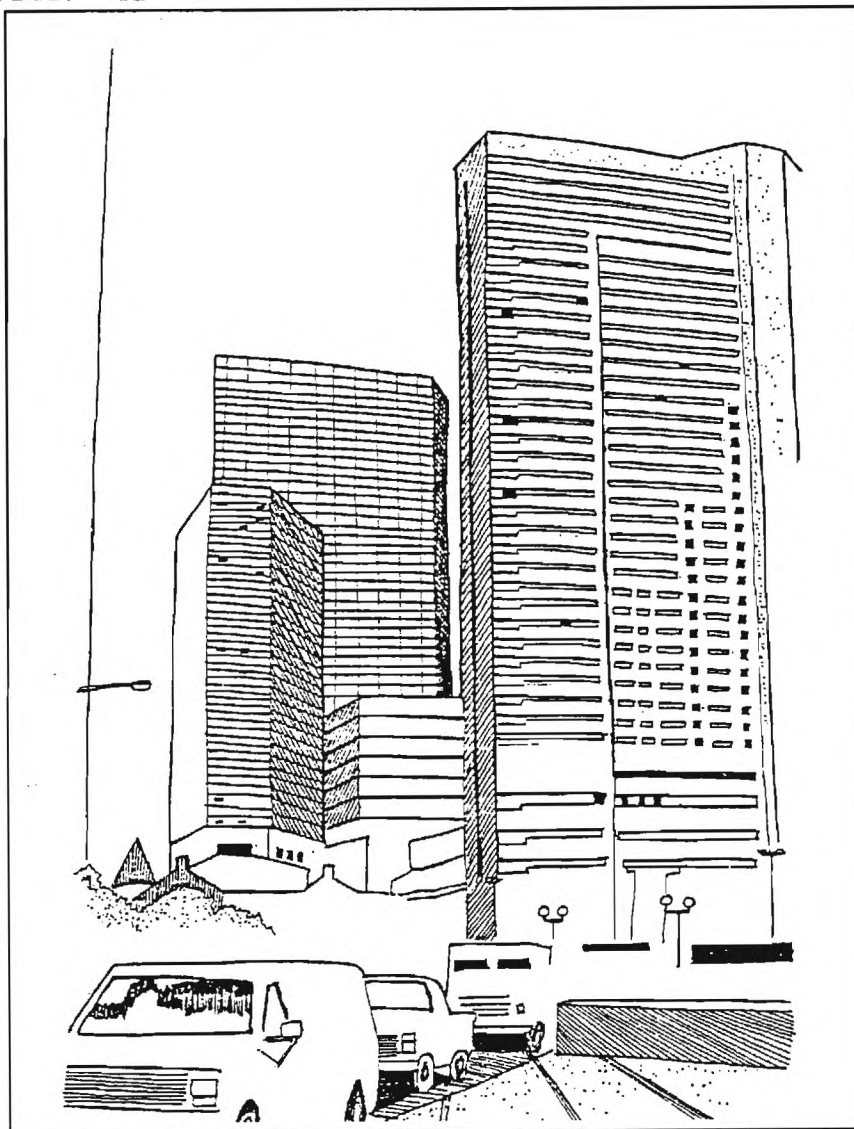


Figure 2. Copley Square, Viewed from Huntington Avenue

While compromises and pressure to quickly complete the process weakened consensus on many aspects of the agreement, the final decision was widely supported.

In the next section, we examine traditional urban design approaches to resolve differences through comprehensive analysis, as illustrated by Park Plaza.

We then compare this approach with alternative modes of implementation, as exemplified by Copley Place.

III. The Urban Designer as Participant in Conflict

A. Design and Conflict: The Traditional View

In the professions of architecture and planning from whence urban design springs, the appropriate role of professionals in political conflict is widely debated. Competing schools of thought offer differing conceptions of the scope, issues, and activities appropriate to the field. The emergence of these competing theories of practice is, however, relatively recent. From the early 1920s through the 1950s, consensus existed around the conception of architects as the client's designer and planners as comprehensive land use managers. During this period, redefinitions of government intervention into land and development markets were successfully integrated into the beliefs and values of these professional. In the 1960s, with widespread changes in values held in society and by architect and planning professionals, traditional practice was unable to reconcile the client oriented design model and the comprehensive planning model with the reality of political decision making.⁵

B. A Critique of Traditional Professional Roles

In its pure form, the traditional model has never worked because planners do not possess sufficient knowledge to avoid error comprehensively. Planning knowledge is insufficient both for setting goals based on a single standard of the public interest and for translating goals into means through technical analysis. Equally important,

⁵Thomas D. Galloway and Riad G. Manhayni (1977). "Planning Theory in Retrospect: The Process of Paradigm Change." American Institute of Planners Journal, January, pp. 62 - 71.

planners do not possess the ability to secure agreements necessary for the implementation and control of comprehensive plans.⁶ In this context, the traditional separation of private design decisions and public land use management decisions has weakened. These deficiencies became increasingly apparent as the structure for public decision making shifted from cohesive political settings to competitive and fragmented settings in the 1960s.

A close examination of the Park Plaza case will help elucidate problems with traditional urban design implementation.

1. Perceptions of the Public Interest. A wide number and diversity of perspectives existed, each based on different values and stakes in the outcome. Supporters of the urban renewal project looked to the advantages of economic development and rationalization of the area's infrastructure and land uses. Detractors saw disadvantages in poor urban design, displaced residents and businesses, overloaded municipal services, increased pollution and congestion, destruction of the city park system, and a lucrative deal by which a few developers would be enriched. To plan comprehensively, the planners in both the BRA and the DCA needed to assume that these alternative community perspectives did not represent fundamental differences in values, that goals for the project could be based on a single hierarchy of values, and that as planners they were uniquely qualified to determine this

⁶Aaron Wildavsky (1979). Speaking Truth to Power: The Art and Craft of Policy Analysis. (Boston: Little Brown and Co.).

hierarchy. In practice, these claims were difficult to sustain. The planners' reliance on professional judgments and values was challenged both by other planners (with DCA and BRA planners in open disagreement) and by groups claiming greater validity for their own institutions⁷ (the mayor of Boston and the residents of Park Plaza, to name two). In the absence of a normative theory for integrating divergent views or for coping with conflict between special interests, both DCA and BRA planners adopted rigid positions. As is frequently the case, the architects and the city planners equated the public interest with the interests of dominant political and economic parties.⁸ The state planners, on the other hand, based their view of the public interest on principles that ignored political realities, such that the commissioner was forced to resign over his refusal to compromise. With the rise of political conflict over this issue, planners eventually adopted a pluralistic concept in which the public interest was seen as a constellation of special interests mediated through processes of political decision making. In this atmosphere, planners became increasingly involved in working with groups with varying interests and conflicting objectives.

⁷John Friedman (1971). "The Future of Comprehensive Planning: A Critique." Public Administration Review, 31:315-325.

Alan Altshuler (1965). The City Planning Process. (Ithaca, NY: Cornell University Press).

⁸M. Christine Boyer (1983). Dreaming the Rational City: The Myth of American City Planning. (Cambridge, MA: The MIT Press).

Alan Kravitz (1970). "Mandarism: Planning as Handmaiden to Conservative Politics," in Planning and Politics, Thad Beyle and George Lathrop, eds. (New York: Odyssey Press).

2. Limited Expertise. The Park Plaza case highlights the difficulty of sustaining the architect and planner's claim to expertise. Two problems existed:

First, designers and planners do not possess a monopoly on rational analysis. The emphasis of architects and planners on physical development as the primary determinant of urban quality was challenged by other scientists specializing in social, economic, engineering, and political processes. In particular, the failure of Park Plaza proponents to adequately account for environmental impacts was challenged successfully in courts based on expert witness.

Second, public debate discourages open discourse. The formality of political debate hinders the use of design, analysis and technical studies to resolve conflict by encouraging their use for partisan purposes. While design and technical studies generally seek to separate the efficient achievement of objects from the process of goal setting, the simplifying assumptions that occur in these studies have buried within them implicit goals and values. The debate therefore masks a broader debate over desirable outcomes and patterns of coping with uncertainty and risk.⁹ In Park Plaza, a number of uncertainties existed over the scope and consequences of the proposed project and the financial stability of the principal developers. Analysis could have contributed to a more open political discourse by clarifying the potential and likely consequences of these uncertainties and the tradeoffs between implicit objectives, but this was not done. In large part, analysis was used in much the same way as other

⁹Laurence Tribe, Corinne Schelling and John Voss (1976). When Values Conflict: Essays on Environmental analysis, Discourse, and Decision. (Cambridge, MA: Ballinger Publishing).

sources of power were used: to compel change in the behavior of opponents. As such, it was a blunt instrument for skewing political debate, with little claim to objectivity and only partial claim to rationality.

3. Political Ignorance. The ineffectiveness of planning at promoting a timely decision for Park Plaza indicates a major failing in planning. Empirical studies show that planning is generally unable to shape the development of cities in accordance with the rational criteria of a comprehensive planning process.¹⁰ Within a cohesive political system in which consensus exists around goals, the planner could use specialized skills to scan alternatives and design approaches for achieving those goals. In Park Plaza, however, power was fragmented. Particularly for the state Department of Community Affairs, the political effectiveness of the planners was limited by their isolation from decision makers and interest groups most concerned with urban growth and development, and hence from the sources of political conflict. By focusing on technical issues and leaving political action to others, the planners of both the DCA and the BRA could neither mobilize support for their proposals nor broker a consensus from among competing community interests.¹¹

¹⁰John Friedman (1971). "The Future of Comprehensive Planning: A Critique." Public Administration Review, 31:315-325.

¹¹Francine Rabinowitz (1969). City Politics and Power. (New York: Atherton Press).

Martin Meyerson and Edward Banfield (1955). Politics, Planning and the Public Interest. (New York: The Free Press).

Over the past twenty-five years, controversies similar to Park Plaza have been repeated in many forms throughout the nation. As cities have moved increasingly to manage urban design through negotiations and joint problem solving, a process for managing the public/private dialogue needed to be developed. While the cases discussed in this report have demonstrated a wide range of alternative approaches, the techniques employed in Copley Place and in several other project developments over the past decade suggest closer examination.

C. Managing Conflict in Urban Design Implementation

In Copley Place, both architects and planners focused their skills and resources directly on the process of resolving community disputes. For these design professionals, the notion of the public interest took on a new dimension, one in which the common good could be best promoted by bringing together many people with various viewpoints to resolve their differences. While they constructed detailed analyses used in the design of the project, they did so by focussing their analysis more sharply on issues that were central to the policy debate and within the context of joint problem solving amongst the participants. As such, Copley Place is one example of the use of alternative dispute resolution approaches in planning decision making. In the city of Boston alone, this model has been adapted to address disputes over the New England Life Building, the Prudential Center redevelopment and many others.

In each of these disputes, a non-partisan facilitator has assisted contending parties in resolving their differences. As would occur in labor and other private sector disputes, the facilitator manages the process of dialogue, feedback, and negotiation. The facilitator seeks to ensure that the process is fair and unbiased in the eyes of the negotiating parties. In addition, however, facilitators in most development disputes participate more actively in the decision making process. Active facilitators are concerned with the quality of the outcome as well as the fairness of the process. The active facilitator seeks to ensure that the process is fair and open to all affected parties, whether or not they are active participants to the dispute and including the community-at-large. In addition, the active facilitator seeks an outcome reached as efficiently as possible, one that promotes dialogue and joint problem solving and that produces stable, workable agreements that effectively meet the interests of the parties to the dispute.

Most of the uses of alternative dispute resolution processes in public disputes involve active facilitation because the complexity of public policy issues requires considerable orchestration. Parties to the dispute are often numerous, dispersed, and hard to identify. Their stake in the dispute varies widely, with different parties focusing alternately on structural, procedural, substantive, or uncertainty-based aspects of any given conflict. Participants to negotiations will have vastly different access to power, resources, and the skills necessary for effective negotiation. The negotiation is likely to be ad hoc, with procedures subject to redesign with each new dispute. Finally, implementation of agreements usually requires the support of many

parties not at the negotiating table. Facilitators must therefore be prepared to take responsibility for the integrity of the dispute resolution process and its outcome.

In the remaining sections, we will examine the uses and approaches to conflict resolution in urban design disputes. We examine the usefulness of facilitated processes of conflict resolution and the conditions under which these processes are appropriate; describe generic steps in conflict resolution with particular attention to differences between structural, procedural, substantive, and uncertainty conflicts; and conclude with a discussion of the role of conflict resolution in urban design.

IV. The Practice of Conflict Resolution in Urban Design Implementation

A. Preconditions for Facilitated Conflict Resolution in Policy Disputes

Facilitated conflict resolution processes can help resolve differences over many but not all planning disputes. For projects such as Copley Place, such processes build consensus by promoting dialogue and compromise among the disputing parties. The appropriateness of facilitated conflict resolution, however, varies with a number of conditions associated with conflict.

In particular, four conditions seem most important. First, the controversy should be complex and multifaceted with numerous and diverse disputants. In the case of simple disputes with few parties, traditional approaches to decision making are likely to be more efficient than facilitated conflict resolution. Care is needed in assessing the likelihood of controversy, however. In Park Plaza, the Boston Redevelopment Agency's original assessment grossly underestimated both the

number and diversity of opponents to the project. In Copley Place, on the other hand, considerable effort was made to identify all community leaders that might perceive themselves as having a stake in the project. This effort uncovered almost 40 organizations, associations, and public agencies with an active concern.

Second, the necessity of facilitated conflict resolution is enhanced when the implementation of the planning decision can be blocked or delayed by affected parties, and these parties do not have ready access to traditional processes of decision making. Basic to any facilitated conflict resolution are the incentives of conflicting parties to negotiate together. Only when each party to the dispute believes that achieving agreement provides more benefits than is possible through their best alternative to a negotiated agreement¹² is a negotiated settlement likely. In the Copley Place case, the developer was open to negotiation largely because citizen groups had proven to be formidable opponents in the Park Plaza controversy. These groups had used access to administrative and judicial systems of review to block decision making for Park Plaza, but never obtained access to constructive negotiations. In the face of continual public opposition and challenges, the project remained deadlocked for 12 years. The CRC process in Copley Place opened decision making to these groups, thereby replacing legal confrontation with constructive engagement.

Third, facilitated conflict resolution is most appropriate when the possibility of joint gain among the disputant parties is greatest. In particular, joint gain is more likely

¹²The Best Alternative to a Negotiated Agreement (BATNA) is further explored in Roger Fisher and William Ury (1981) Getting to Yes (Boston: Houghton Mifflin Company).

when a number of complex issues are intertwined and when disputing parties have an ongoing relationship.¹³ Multiple issues increase the possibility that parties to a dispute with different stakes in the outcome may be able to design an alternative where each party gains. Continuing interactions increase the likelihood that disputants will care about the quality of their relationship and the potential for its improvement through negotiation. In Copley Place, the governor of Massachusetts and many of his cabinet appointments had developed a working relationship with community and grassroots organizations. These relationships were important to their ongoing political success, and strengthened their commitment to the CRC process. At the same time, members of these organizations were open to participation in the CRC process in large part because of their trust in the facilitator, the state planning director, and the governor.

Fourth, facilitated conflict resolution is unlikely to succeed when conflict is basically structural and disputants are focused on long-term goals rather than short-term gain. Under these conditions, incentives to reach agreement are muted by the fundamental differences that separate the parties. Those in power will not wish to legitimize the positions of the opposition, while those seeking change may wish to use conflict strategically to further larger objectives. Under many conditions, however, the issues surrounding a particular dispute can be isolated from these structural concerns. In Copley Place, the Tent City Task Force was engaged in a structural

¹³Howard Raiffa (1982). The Art and Science of Negotiation. (Cambridge, MA: Harvard University Press).

conflict with the city of Boston over gentrification and political control of the low- and moderate-income housing market in the South End. The group used the CRC process to air these concerns, and sought to leverage the Copley Place proposal to force change from the city. While many participants in the process agreed with the objectives of the group, support for such leveraging was not forthcoming. Rather, most participants wished to focus on the substance, uncertainty, and procedures associated with the issue of Copley Place. The demands of the Task Force were therefore isolated from the current negotiations.

Facilitated conflict resolution, then, is most appropriate when these four conditions exist: (1) the project is complex and multifaceted with diverse disputants, (2) affected parties who lack access to traditional decision making power can nonetheless block implementation, (3) the opportunity for joint gain exists, and (4) the issues are primarily, but not necessarily exclusively, focused on substantive, procedural, and uncertainty-based conflict. Under these conditions, facilitated conflict resolution has proven efficient at promoting fair and implementable agreements. These conditions, while indicative of the appropriateness of conflict resolution, do not assure successful negotiations. Planners who have served as facilitators and mediators have developed a number of approaches to conflict resolution that further enhance the likelihood of agreement. These approaches are discussed in the next section.

B. Processes for Resolving Conflicts

Facilitated conflict resolution processes are designed explicitly to resolve complex disputes. As such, they almost invariably cope with several sources of conflict in the same dispute. Projects such as Park Plaza and Copley Place, as well as the numerous forms of conflict to which these techniques have been applied, frequently intertwine disputes over substance, procedure, and uncertainty. Many also contain elements of structural conflict. If conflict resolution is to succeed, the process must accommodate differences in perspectives and priorities.

Fundamentally, facilitated conflict resolution processes are designed to identify the interests of the stakeholders, to promote dialogue and understanding around these interests, to invent new options that either allow for mutual gain or resolve differences through compromise, and finally to develop consensus. To achieve these objectives, planners have designed a number of approaches to conflict resolution. Some of these approaches have been incorporated into forums for public participation,¹⁴ including the CRC process for Copley Place. Others have been applied only in more innovative forums for public policy mediation. In general, these approaches can be divided between activities designed to promote fair procedures, to reduce differences generated by uncertainty and knowledge, and to reach consensus on the substance of an agreement. These approaches directly promote resolution over the three most common sources of planning conflict.

¹⁴Lawrence Susskind and Michael Elliott, eds. (1983). Paternalism, Conflict, and Coproduction: Learning from Citizen Action and Citizen Participation in Western Europe. (New York: Plenum Press).

Approaches to Resolving Procedural Conflict. Facilitated conflict resolution begins with the design of a fair and unbiased decision making process. How the process is structured has important consequences for the outcome of the conflict resolution process. As in Copley Place, the stakeholders must usually be identified and representatives of those interests selected to participate. These participants must be organized so as to facilitate negotiations. The procedures and ground rules governing the process must be established, usually by the participants themselves. Finally, training and team building should be provided so that all participants share basic negotiating skills.

Selecting participants for a facilitated negotiation is the first and among the most crucial aspects of process design. Selection can affect the legitimacy of the entire process and directly alter outcomes. The intentional or de facto exclusion of a party to the dispute from the negotiation table can constitute an infringement of these stakeholders' relative opportunity to influence the outcome, and as such opens the process to procedural attacks and judicial review.¹⁵ At the same time, since public policy frequently has wide ranging effects, stakeholders can be loosely viewed as including many parties with only indirect stakes in the outcome. The choice of key stakeholders is therefore a delicate task. The key to selection is to focus not on the most vocal parties currently involved in a dispute, but rather on the interests that have a legitimate claim to participation. In Copley Place, these parties were identified by the

¹⁵Sam Gusman (1983). "Selecting Participants for a Regulatory Negotiation," Environmental Impact Assessment Review, 4(2): 195 - 202.

facilitator working with many trusted community and business leaders familiar with the controversy. The facilitator identified likely impacts of the project, matched these impacts to the parties who would be most directly affected, and extended an invitation to community leaders most directly associated with these parties.

Participation goes beyond identification of stakeholders. Since negotiation requires relatively limited numbers of participants, interest groups must be represented by a spokesperson. As was true in Copley Place, leaders of existing organizations can frequently serve as representatives of interests. In some cases, identification of legitimate participants will be more difficult. Disputes can arise over what interests should be present at the table and over the legitimacy of representatives to speak for a particular stakeholder. These disagreements can often be resolved through negotiation, and must be dealt with early in the conflict resolution process.

Once spokespersons are selected, the participants must be organized so as to facilitate negotiations. When stakeholders are numerous, a system for limiting the number of parties at the negotiation table must be established. Most commonly, parties with common interests are organized into cohesive negotiating teams. This arrangement allows negotiations to occur both between teams with substantially different interests, and among parties on the same team with overlapping but distinct stakes in the outcome. For example, in a negotiation over an investment strategy for a small New England city, three teams representing citizen, business, and city government interests were formed. The participants negotiated in teams to formulate a single statement of problems and possible approaches to their resolution. A

member from each team was then brought together to form tripartite committees to refine proposals for each of six substantive areas of interest. These representatives to the working committees reported back to and received guidance from their respective teams through intra-team negotiation sessions. The committees collected and analyzed data and prepared draft problem statements and recommendations, which were then renegotiated by the teams at large.¹⁶ This arrangement allowed participants to work more effectively without endangering consensus-building within and between teams.

For facilitated conflict resolution to work effectively, the procedures and ground rules must be established early and articulated clearly. Openness of discourse and freedom to propose compromises depends in part on the risks involved in participating in this give and take. Because negotiations over public policy disputes occur in a context of public attention, a free exchange of ideas is inhibited by fears of public (or constituent) reaction and by the possible manipulation of suggestions by other stakeholders. Rules governing issues of confidentiality, access to the press, constraints on the facilitator, and participant behavior (both around and outside the bargaining table) help clarify and limit the risks associated with open negotiation. Moreover, procedures governing the availability and allocation of resources (such as technical assistance, analysis, and information exchange) promote equality and strengthen norms of open exchange among participants.

¹⁶Lawrence Susskind and Denise Madigan (1985). "New Approaches to Resolving Disputes in the Public Sector." (Cambridge, MA: Harvard Law School Program on Negotiation, mimeo).

Finally, training and team building are necessary so that all participants share basic negotiating skills and bargain from a well articulated statement of their interests. Many participants in facilitated conflict resolution have little or no experience in negotiation, which hampers their productivity and creativity. Parties to the dispute who can effectively articulate their concerns are more likely to bargain clearly and openly. Furthermore, agreements within teams is necessary if the team as a whole is to attempt joint problem solving with confidence. The facilitator must therefore help train individuals in skills of collaborative problem solving and negotiation, while strengthening consensus within teams.

Approaches to Resolving Uncertainty-Based Conflict. Much that separates parties to public policy conflicts is based on uncertainty. Uncertainty exists at a number of levels. Experts and various publics may disagree over the likelihood of physical impacts. Technological systems for controlling impacts may be untested. The future behavior of other stakeholders is frequently unpredictable. Information and analysis available to one party may be unavailable to another. With imperfect information and indeterminate predictions, presumptions about future events are likely to be biased in favor of preferred options.

The tendency to bias beliefs to favor desired outcomes cannot be rectified by further analysis. As we have seen in the critique of traditional planning, analysis is inevitably based on simplifying assumptions that are open to attack, and hence analysis is often reduced to an instrument for legitimizing political positions. Moreover,

values and distributional concerns are frequently imbedded into technical assumptions, thereby masking policy choices beneath a veneer of technical rationality.¹⁷

Facilitated conflict resolution seeks to manage uncertainty-based conflict through several approaches. Technical assistance is most common. In Copley Place, the CRC facilitator actively engaged in education to clarify aspects of the development process and its potential impacts. He also arranged for technical support from planning staff and several specialist consultants to help judge the reasonableness of claims made by the developers. Access to analysis and technical expertise helped equalize negotiating power between citizens and developers and led to more realistic positions based in comprehension. At times, analysis increased agreement over the likelihood of impacts. This occurred around issues of economic spillover effects of the project's retail stores on neighboring commercial activity. At other times, differences of interpretation continued, but agreement on the impossibility of achieving greater certainty led to compromise on the substance of the issue.

Uncertainty can also be managed through joint fact-finding. Participants to the dispute can jointly frame research questions, specify the method of analysis and the researcher, interject their negotiated preferences when value-laden assumptions are to be incorporated into analysis, monitor the study, and evaluate its findings. Joint

¹⁷Connie Ozawa (1985). "Mediation, An Interactive Approach to Science-Intensive Public Disputes," Paper presented at the Conference on "Emerging Issues in Environmental Analysis and Planning," Cincinnati, Ohio, April 12.

fact-finding increases both lay comprehension of technical advice and the likelihood that the analysis will meet participant information needs.

Equally important, facilitators must seek to reduce uncertainty associated with the implementation of agreements. Final agreements are usually signed to document the agreement and to commit the individuals (and possibly their organizations) to work for implementation. The agreement should include a plan for implementation specific measures to bind the parties to the agreement. These measures may include contractual obligations, the posting of bonds, and consent decrees issued by courts.¹⁸ Decision makers with legal authority may also be linked either formally or informally to the negotiations to enhance the likelihood of implementation. Finally, agreements should specify arrangements for renegotiations if specific situations are expected to change in unpredictable ways.

Approaches to Resolving Substantive Conflict. Ultimately, most disputes center around issues of substance. Resources are to be allocated, policies prioritized, and services provided. To most stakeholders, including those at Copley Place, the outcome of decisions are more important than the process of decision making. But these questions of substance (such as the proper allocation of resources in a particular situation) are frequently resolvable by focussing on the process of arriving at a decision (such as how to make a complex and controversial decision for

¹⁸Lawrence Susskind and Alan Weinstein (1980). "Towards a Theory of Environmental Dispute Resolution," Boston College Environmental Affairs Law Review, 9(2): 311 -357.

allocating resources).¹⁹ In many ways, attention to the procedural and uncertainty aspects discussed above helps resolve substantive conflict.

Consensus around the substance of a dispute can also be directly promoted by focusing attention on interests, not positions, and by developing options for joint gain.²⁰ Interests cause people to make decisions, to take positions. While opposing positions seem unresolvable, some of the interests behind the positions are likely to be shared, while others may be incompatible. Talking explicitly about interests helps identify zones of agreement and sources of disagreement and sets the stage for developing options for joint gain.

Inventing alternatives requires creativity. Most disputes are negotiated in facilitated conflict resolution processes only after disputants feel that no easy solution exists. Frequently, deadlock has occurred because the solutions are defined too narrowly. The likelihood of mutual gain increases when a range of linked considerations will be resolved simultaneously, and hence trades become possible. Compensation can expand the range of options. Compensation can include direct payment of money to affected individuals or groups, but in public policy disputes conflict of interest laws may inhibit such trades. Contingent promises can provide buffers against impacts should they occur. Particularly promising are in-kind

¹⁹Julia Wondolleck (1985). "The Importance of Process in Resolving Environmental Disputes," Paper presented at the Conference on "Emerging Issues in Environmental Analysis and Planning," Cincinnati, Ohio, April 12.

²⁰Roger Fisher and William Ury (1981). Getting to Yes. (Boston: Houghton Mifflin).

compensations which balance loss in one aspect of impacts with improvements in a similar aspect. The invention of alternatives involves the exploration of many options. Through brainstorming sessions and a focus on interests, the facilitator can promote this invention.

V. Conclusions

Urban design is deeply involved with contradictions inherent in urban policymaking. The appropriateness of development and the design that shall govern its shape can be highly politicized. Many of our cities can be characterized by a growing proportion of poor and unemployed residents; a decline in the city's tax base coupled to a loss of businesses and middle class residents; deteriorating infrastructure, housing stock, and municipal services coupled to rising costs in municipal service provision; and continuing struggle over the appropriate use of scarce land. Attempts to resolve these and other problems frequently escalate into conflict. Those affected by public policies but who lack equal access to decision making processes have used litigation and administrative review to halt development projects and to block implementation of public policy. When taken over by the courts, the terms of the conflict are limited by legal frameworks. Courts and review boards generally focus on narrowly defined procedural issues not central to the dispute and do not encourage disputants to engage constructively in conflict resolution. As a consequence, differences of opinion over planning and public policy lead to adversarial

confrontation when cooperation and joint problem solving is frequently more beneficial.

The problems of traditional approaches to conflict resolution and the promise of alternative approaches have been highlighted through two Boston urban design and development projects: Park Plaza and Copley Place. At first encounter, the Park Plaza project seemed noncontroversial. The project provided for the redevelopment of an area that was widely regarded as needing help. The project, however, was intensely debated for more than a dozen years. Local residents, city and state officials, and developers disagreed sharply over the merits of alternative redevelopment proposals for this unique site. The debate was still deadlocked when a second development project that could prove equally contentious was proposed on a nearby parcel of state land. To promote a timely decision, the State Office of Planning used a participation process specifically designed to build consensus among the parties that had effectively blocked the Park Plaza project. The site planning was completed without major opposition within two years.

The examples of Park Plaza and Copley Place underlined the emerging involvement of planners in conflict management and consensus building. This involvement represents a substantial shift in the traditional role of planning, one in which planners moved from an almost exclusive concern with technical advice-giving for land use decisions to a more wide-ranging concern with the implementation of planning proposals. As a consequence, planners have developed new approaches for coping with the controversy their activity generates. Through consensus building,

negotiation, and mediation, planners promote the resolution of conflict and the effectiveness of planning.

CHAPTER VII

ATLANTA: TENSIONS RESOLVED

Atlanta is not a city known for its urban design. Rather, it is an efficient and modern city, known more for the rate of its development than for its quality. In the context of rapid expansion and competition with suburban land locations, the city has done little to actively promote or manage urban design.

Within this context of *laissez faire* development, it is perhaps even more remarkable that the city has stepped forward with a major piece of urban design legislation. Focusing in on the historic elements of the city, the legislation creates an innovative and comprehensive system for promoting historic preservation and for integrating historic buildings into the fabric of the city. The system for achieving consensus on this legislation was through a facilitated urban design policymaking process.

This concluding chapter presents the Atlanta case as an example of what can be achieved through the concerted efforts of citizens who are interested in urban design and are conscious of the political context. Through the application of mediation techniques to historic preservation issues in Atlanta, the city has successful-

ly redefined the relationship between development and historic preservation. In the first section the chapter explores the process leading up to the legislation, while the second section focuses on the elements of the legislation itself.

I. The Policymaking Process

Between the summer of 1987 and today, the city of Atlanta has been developing and implementing a comprehensive historic preservation ordinance. The ordinance and implementation plan were created by means of an extended mediation-negotiation process involving a wide range of community leaders. These leaders including preservationists, neighborhood advocates, developers, leading business leaders, city councilors, the mayor and local government administrators. This process resulted in an agreement which the involved parties signed in June of 1988.

The mayor was the first to sign the agreement. Nine months earlier, he had initiated the consensus building process by describing his vision for the rebuilding of Atlanta as a "new international city." He had also gained national attention by describing two controversial historic structures as "a hunk of junk" and "a dump." To him, these structures stood in the way of progress. But on June 29, 1988, after considerable dialogue and negotiation, Mayor Andrew Young declared historic preservation to be in the public interest, praised the consensus building process as being in the best tradition of Atlanta's style of open political dialogue, and signed a statement outlining a comprehensive program designed to preserve historic properties and districts throughout the city.

Joining the mayor in signing this document were the 16 other community leaders responsible for designing the comprehensive program. As representatives of the major interest groups, these 17 individuals constituted the Historic Preservation Policy Steering Committee. Through their perseverance and openness, these participants fashioned a detailed plan and program that included (1) a new system for categorizing, designating and protecting historic properties, (2) extensive programs for ensuring the economic viability of historic structures, as well as an innovative process for determining economic hardship, and (3) recommendations concerning the disposition of 91 income-producing historic buildings in the midtown and central business areas of the city.

In the process of reaching this agreement, however, participants on the historic preservation policy committee passed through five identifiable stages: stabilizing the conflict, initiating the mediation process, scoping the issues, building a consensus, and implementing the plan. In all five stages of the process, mediators assisted the participants. This section examines the role of the mediators, the organization and management of the negotiations and the techniques used to promote dialogue and consensus during each stage in the process.

Stabilizing the Conflict. In the spring of 1986, historic preservation became increasingly controversial. Two major events came together. First, three important historic structures, each proposed for designation as historic properties by Atlanta's Urban Design Commission, were threatened. The mayor vetoed a city council

legislated moratorium on demolitions and approved the applications for demolitions against the advice of the Commission. During the same time period, the Urban Design Commission nominated to city council 85 buildings and 16 districts for designation under the city's urban conservation law. Three competing bills were introduced to the council to either strengthen or weaken the designations. Little consensus existed as to how to handle the issues being raised.

To help resolve these issues, a small task force was established by representatives of city government and the business and preservation communities. In early discussions, the vice-president for the business-oriented Central Atlanta Progress suggested the use of mediation. While interested, the executive directors of both the Urban Design Commission and the Atlanta Preservation Center remained skeptical. For answers to their questions, they approached the co-directors of the Southeast Negotiation Network, located at the Georgia Institute of Technology, to discuss the strengths and weaknesses of such an approach.

Following these discussions, the task force resolved to enter into a mediation process. Between May and September, the task force raised \$66,000 to conduct the process. The money originated from four sources: half was provided by the National Trust for Historic Preservation; the remainder was matched by Central Atlanta Progress, the City of Atlanta and the Atlanta Preservation Center. The monies were allocated with 40 percent to the mediation process, 30 percent for technical support to the overall planning process and 30 percent for community outreach following the mediation process.

Initiating the Process. In February of 1987, the task force selected mediators following a nationally announced Request For Qualifications and interviews. The mediation team consisted of the Southeast Negotiation Network (Georgia Institute of Technology) and the Institute for Environmental Negotiation (University of Virginia). The joint venture between the Network and the Institute created a mediation team with a strong local presence as well as direct experience with historic preservation.

Under direction of the Task Force, both the city government and the Atlanta Preservation Center served as the hiring agent for the mediation team. Finalizing the employment contract proved difficult. Mediation services did not fit standard city consultant categories. Because of complications, contract procedures took seven months and a contract was not officially issued until September.

Beginning in July, the mediators interviewed approximately 50 stakeholders in the preservation conflict to outline the sources of conflict and issues at stake, to identify potential representatives and to establish the groundrules and agenda. The mediators assisted members of the task force to design processes for selecting negotiating groups to represent government, business and preservation interests on the Policy Steering Committee. The mediators also nominated specific individuals for consideration and took an active role in ensuring that the full range of interests was represented. In addition to the mayor, this committee consisted of four city council members, the Commissioner of Community Development, the Chair of the Urban Design Commission, the director of the Central Atlanta Progress (a business alliance), four prominent regional developers, the director of the Atlanta Preservation Center, the

chair of the Preservation Council (a coalition of historic neighborhoods) and three other prominent preservation activists.

To assist the Steering Committee in its deliberations, a Resource Group was also created. The Resource Group consisted of seven professionals with expertise in preservation and development law, programs, design and economics. Members of the Resource Group provided information at the Plenary Sessions of the Steering Committee and actively participated in caucus and working meetings involving subgroups of the Steering Committee. This organization allowed for wider participation while maintaining a core committee size of 17 individuals, thereby facilitating communication.

Scoping the Issues. From the prenegotiation interviews, several issues emerged as crucial. During the initial phase of the negotiation process, participants examined these issues in depth. Four plenary sessions of the Steering Committee were organized to accomplish this goal. These sessions were held monthly between September, 1987, and January, 1988. The first session provided an overview of issues and perceptions of the participants in a somewhat casual atmosphere. Following a two hour introduction, participants met over cocktails and dinner at the Ritz Carlton for further discussions. Each of the following three sessions was organized to focus discussion on one major class of issues. The sessions lasted three hours each and featured an outside expert selected by the mediators and agreed upon by the participants. The experts included Robert Freilich on preservation and planning law,

Richard Roddewigg on economic impacts of preservation and tools for mitigating those impacts on property owners, and Frederick Williamson on standards for evaluating historic sites and districts. Each wrote a paper addressed at the issues raised by participants, presented an overview of these issues to the participants and, with the help of the mediators, facilitated an in-depth discussion of the issues. Each session also featured presentations about and discussions of local conditions, with members of the Resource Group providing the background.

Building a Consensus. From the first four sessions emerged a clear statement of the goals and a general outline of the substance of the historic preservation program. Following a raucous February plenary session during which the entire program was outlined and discussed, the goals and program were committed to a single negotiated text. From this point on, both the pace of negotiation and the depth of discussion increased dramatically. Between the February meeting and the June signing ceremony, the negotiations involved six additional plenary sessions, seven caucus meetings and eight work group meetings.

The Plenary Sessions provided a forum to work out general policy directives and to provide general feedback on the single negotiated text as it evolved. These sessions were open meetings. While discussion was largely limited to the 17 members of the Policy Steering Committee with input from members of the Resource Group, members of the general public could and did attend in increasingly large numbers. The detail work associated with revising the text, however, was conducted

in the caucus and work group meetings.

Caucus meetings allowed the representatives of single interest groups to explore issues and suggest changes with the mediators. Each caucus (i.e., government, business and preservation) also had at least one member of the Resource Group that took responsibility for conducting further analyses for the caucus and for providing more detailed feedback to the mediators between meetings. The mediators took responsibility for altering the single negotiated text in response to this feedback. Difficult issues were discussed one-on-one with participants or referred to the working group for further negotiations.

The work group was created to facilitate more direct negotiations between the three interest groups. With 17 members of the Policy Steering Committee, seven members of the Resource Group and an average of 15 members of the general public and press, the Plenary Sessions did not provide the intimacy necessary for extensive face-to-face negotiations. The work group involved ten members of the Steering Committee and Resource Group and provided a more intimate forum for negotiating difficult issues. The most frank discussions, the most carefully crafted compromises, and the most creative solutions came from this group. In particular, the group focused primarily on clarifying the conditions for declaring a designated historic structure to be an economic hardship to the owner, establishing a system of redress under conditions of economic hardship, creating an interim ordinance to govern alterations and demolitions of historic structures until implementation of the program, and developing recommendations as to permanent designations for virtually all of the

income producing historic properties in the central business areas of Atlanta.

Throughout this consensus building period, the importance of information and analysis associated with the specific conditions of Atlanta continued to grow. Questions that required further analysis continued to arise as participants delved more deeply into issues. Analyses to answer many of these questions were conducted locally by either the mediation team or by members of the Resource Group. Many of these analyses were quick assessments of current situations with a heavy emphasis on information display. In particular, the team found that highly visual displays of information were most useful because such displays helped many participants understand the issues more concretely. Examples of locally generated analyses included an appraisal of the impact of various definitions of "economic hardship" and "reasonable return" on historic preservation programs across the country, an analysis of rates of return in several rehabilitated buildings in Atlanta, an assessment of previously demolished historic structures and the disposition of the land thus cleared, and a display of the location and physical characteristics of structures currently designated under the existing conservation ordinances. Other issues, however, required more extensive analysis by outside neutral experts. In addition to the three papers commissioned early in the process, five additional studies were commissioned on issues ranging from creative financing to designation criteria to the fiscal impact of tax incentives for historic preservation. With the exception of the fiscal impact paper, most of these studies were designed to assist the implementation team in refining the work of the Policy Steering Committee. The fiscal impact paper, on the other hand,

contributed directly to the debate over the reasonableness of city tax incentives.

Implementing the Plan. By the June 29th signing ceremony, the negotiated text provided a detailed outline for designing the historic preservation program. Its 57 pages of text represented the result of extensive problem solving, consensus building and compromise. An implementation strategy was incorporated into this agreement. This strategy specified a process for translating the programmatic and planning elements of the agreement into legislation necessary to implement the program. It specifies both a timeframe and responsibilities. An Advisory Group comprised of members of the Policy Steering Committee was created to oversee the process.

Since June of 1988, all legislation necessary to implement the program has been implemented. The first legislation required was an interim control ordinance providing temporary protection to over 100 commercial properties. This legislation was passed 13 to 1 in the City Council and effected the period between July 1988 and July 1989. To prevent demolitions between the publication of the list and the enactment of the law, Mayor Young issued an executive order enforcing the conditions of the proposed ordinance until City Council review.

The constitutional amendment enabling Georgian cities to assess historic properties at a differential rate in order to promote preservation goals was passed by the general electorate of the state of Georgia that November. Several pieces of state legislation were enacted during the General Assembly in early 1989. Finally, city council acted on the entire program during spring and early summer of 1989.

Legislation enacting the full set of recommendations of the Steering Committee were consequently passed within the one year time horizon established in the implementation plan. The Urban Design Commission is now in the process of designating historic structures and districts and implementing the provisions of the law.

II. The Agreement

This final section of the report examines the details of the agreement as developed by the Steering Committee. After nine months of often intense face-to-face negotiations, Steering Committee members reached agreement on ways to protect historic resources and integrate historic preservation into downtown planning that will have far-reaching consequences for the future development of the City. Specifically, members were able to agree on:

- the goals and objectives for historic preservation in Atlanta,
- the process that should be used to designate particular historic properties and districts for regulatory protection,
- mechanisms for dealing with the economic issues associated with preservation, including rehabilitation incentives, compensation and determinations of economic hardship, and
- ways to integrate preservation programs with ongoing downtown planning and development decisions.

A. Goals

At the most fundamental level, the Historic Preservation Steering Committee developed consensus around a set of goals and objectives. After deliberation, all

members came to believe that historic preservation has an important role to play in making Atlanta a unique and vital city. The Candler, Hurt and Atlanta Life Insurance Buildings remind the city of decades of corporate leadership. Generations of Atlantans have made their homes in historic neighborhoods still prized by their residents. The Martin Luther King-Sweet Auburn District captures the spirit of the civil rights movement and the emergence of the new south. Preserving these things which are "uniquely Atlanta" builds community pride and makes Atlanta a special place for its citizens, businesses, and visitors. Historic preservation is an important area of public policy which Atlanta needs to address more comprehensively than it has in the past.

It was furthermore the consensus of the Historic Preservation Steering Committee that the City of Atlanta would be best served through development and implementation of a Comprehensive Historic Preservation Program. The program developed by the Committee extends Atlanta's tradition of promoting the city's vitality through new development, while at the same time conserving historic resources that make an irreplaceable contribution to the livability and quality of Atlanta. The program clarifies the city's intention to maintain and conserve its historically significant landmarks and districts, defines the interrelationship between this conservation goal and Atlanta's other development and planning policies, and outlines a comprehensive set of programs and policies that will govern historic preservation in the city of Atlanta.

In the view of the Steering Committee, the goals of Atlanta's historic preservation program should be:

- to preserve and maintain sites and structures that serve as significant visible reminders of the city's social and architectural history,

- to contribute to the economic development and vitality of the City,
- to preserve the character and livability of Atlanta's neighborhoods and strengthen civic pride through neighborhood conservation, and
- to integrate historic preservation more fully into Atlanta's city planning system.

The Steering Committee believed that these goals could best be implemented through a comprehensive program that incorporated several elements. The City needed a program for identifying and designating historic landmarks and districts that had the confidence of the entire community. Also needed were a tax abatement program, an Endangered Buildings Program, a preservation revolving loan fund and other incentives to encourage the upkeep and rehabilitation of designated historic properties determined to be in the public interest to preserve. Finally, the City needed to be sure that the City's historic preservation goals and program were carefully coordinated with other public actions in the areas of planning, zoning, and urban design.

Once it had a comprehensive preservation program in place, Atlanta also needed to do a better job of "marketing" its designated historic properties and districts. The Steering Committee committed the City, the Chamber of Commerce, and the Atlanta Preservation Center to work together to develop ways to feature these resources, seek potential clients to lease or purchase renovated historic structures, and make it easier for visitors to find and appreciate these attractions. A successful preservation program was thought to require more than the identification and protection of our historic resources. The city must maximize the contribution these buildings and districts make to the attractiveness and economic vitality of the City of

Atlanta.

In keeping with these basic goals and perspectives, the Historic Preservation Steering Committee recommended that the Comprehensive Historic Preservation Program consist of six elements:

- a process for identifying, nominating and designating historic properties and districts;
- categories of historic properties with particular regulations governing renovations or demolition of designated properties;
- availability of incentives and other benefits to historic properties and districts designated to each category;
- information, marketing and other programs to support preservation efforts;
- a system for integrating historic preservation into comprehensive planning; and
- an implementation plan which deals explicitly with changes required in the administrative structure for historic preservation, resource issues and transition issues.

B. PROCESS

One of the fundamental purposes of the negotiations was to agree upon a process for identifying and designating historic resources that would have the confidence and support of the entire community. That purpose was achieved. The essential elements of the process on which agreement has been reached include:

- use of criteria established by the National Register of Historic Places to identify the inventory of historic resources in Atlanta,
- five categories of protection and administrative review to which sites and districts can be nominated, including a new landmark category,
- evaluations prepared by the Urban Design Commission and the Department of

Community Development, with input from property owners, and neighborhood, business and civic organizations,

- designation decisions made by City Council and the Mayor,
- criteria for determining the appropriateness of requests by property owners to demolish or alter designated properties,
- a special review panel of qualified experts to decide cases where owners of designated historic properties assert economic hardship as well as guidelines to assist this panel in its determinations,
- a list of income-producing buildings and districts located in the downtown and midtown business district to be proposed for nomination to specified categories during the first round of nominations, with the understanding that other buildings and districts throughout the City will also be considered for nomination either simultaneously or subsequently, and
- an interim control ordinance that protected these first round buildings as well as the existing stock of Urban Conservation Sites until July 1, 1989.

The process endorsed by the Steering Committee was one that was firmly grounded in the guidelines established for historic preservation by the National Historic Preservation Act of 1966. It also included features which are unique to Atlanta. Using the nationally accepted criteria to identify historic resources ensures consistency between Atlanta's program and those found elsewhere around the country. Once resources are identified, however, it is up to the community to decide which ones should be protected and to what extent. Before a particular building or district was designated, simultaneous evaluations were to be conducted by the Urban Design Commission and the Department of Community Development.

Historic buildings and areas have merit in their own right, and also serve City goals and policies related to housing, retail mix, and attractive streetscapes. One can also expect, however, that at times preservation will find itself in direct conflict with other City goals and policies for a particular area. It is important to have opportunities

within the designation process to weigh those conflicting public costs and benefits and the dual evaluation process by the Urban Design Commission and the Department of Community Development with a final decision by the Council and Mayor allows for this.

C. INCENTIVES AND INSTITUTIONAL SUPPORT

An effective preservation program requires a combination of regulations and incentives. It is not enough just to put limits on the demolition of historic structures, steps must also be taken to actively encourage rehabilitation and re-use of these structures. A range of financial incentives available to help "close the gap" on historic rehabilitation projects which cannot otherwise be profitable was therefore necessary.

Specifically, the Steering Committee recommended that the City adopt:

- a tax abatement program allowing for a freeze on taxes for any building designated as a landmark or a contributing building in a landmark district for ten-years from the point of designation,
- a tax abatement program allowing for the abatement of taxes on the increased value resulting from rehabilitation of historic structures following the formula for tax abatements in housing enterprise zones,
- a revolving loan fund for historic rehabilitations to be financed through public and private contributions with efforts to encourage banks to provide loans for rehabilitating historic properties, and
- a program for seeking out endangered buildings and taking steps to encourage their preservation and rehabilitation, including offering financial incentives.

In addition, the City will work to encourage eligible corporations to take advantage of tax credits available for certified historic rehabilitation projects. The combination of more traditional financial incentives with a corporate investment and endangered buildings programs would make Atlanta's incentive package one of the most

innovative of the country.

D. INTEGRATION WITH EXISTING PROGRAMS

Negotiations about historic preservation in Atlanta did not take place in a vacuum and, in fact, great emphasis was placed on integrating the values of historic preservation into the City's planning and zoning strategies. Negotiations specifically addressed concerns about retail activities, housing and animated streets in the central business districts, and maintaining the character, ambience and livability of Atlanta's historic neighborhoods.

Considerable time was spent during the negotiations to identify existing City programs that should be strengthened or expanded to encourage preservation. Specific recommendations included:

- expanding the use of preservation easements,
- use of the revitalization program for neighborhood commercial areas to combine neighborhood preservation and revitalization,
- review of code enforcement procedures to be certain they reinforce preservation goals, and
- assigning new building inspectors to preservation related inspection.

III. Conclusion

Atlanta's preservation program is a product of the mediation process itself. In a city where urban design captures no clear vision, in which good urban design is frequently equated with rapid development, the civic and political leaders of the city have built a new consensus. Through an explicit process of dialogue between leaders

with differing perspectives, Atlanta has integrated preservation into broader City goals and objectives. By doing so, Atlanta will put itself in the vanguard of preservation planning in this country. What cities like Atlanta are now recognizing is that to achieve the kind of mix, vitality and character desired in downtown areas, policies and decision processes must be established that allow growth and change without destroying the identity and fabric of their city.